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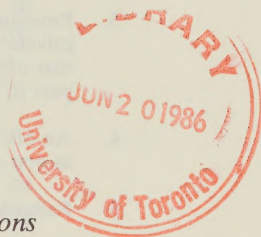
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Bill 68

An Act to amend the Securities Act

The Hon. M. Kwinter

Minister of Consumer and Commercial Relations



1st Reading April 22nd, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTES

The principal purposes of the Bill are as follows:

1. Under section 2, the Lieutenant Governor in Council will be authorized to appoint up to two additional persons as members of the Commission and to designate an additional Vice-Chairman.
2. Under the *Business Corporations Act, 1982*, provision is made for the clearing of securities through the facilities of a clearing agency recognized by the Commission. The proposed clause 18 (1) (a), section 21a and paragraph 18a of section 139 of the Act, as set out in sections 3, 4 and 12 of the Bill, provide for a regulatory framework with respect to the recognition of such clearing agencies. The new definitions set out in section 1 of the Bill are complementary to the provisions related to clearing agencies.
3. Under section 7, Part XIX of the Act is re-enacted. Part XIX relates to take-over bids and issuer bids. Among the significant changes are the following:
 1. The requirement for follow-up offers as set out in the present subsection 91 (1) of the Act is replaced by new restrictions on the availability of the private agreement exemption. (Proposed clause 92 (1) (c))
 2. An early warning system is established whereby, when an offeror's holdings in any class of voting or non-voting participating securities of an issuer reaches 10 per cent, the offeror will be required to make public disclosure of the fact. (Proposed section 100)
 3. Provision is made for the integration with the bid of acquisitions made through private transactions during the ninety day period preceding a take-over bid so that offerees under the bid will receive consideration equal to the consideration paid in the private transactions. (Proposed subsection 93 (4))
 4. An offeror and those acting jointly or in concert with an offeror will be treated as one offeror.
 5. Restrictions on conditions in take-over bids are removed.
 6. The take-over bid and issuer bid requirements in the proposed sections 94 to 99 will be made applicable to voluntary acquisitions of non-voting participating securities.
 7. Take-over bids and issuer bids that are made in jurisdictions with acceptable rules related to bids and that have slight connection with Ontario will be exempted from the take-over bid and issuer bid requirements of the Act. (Proposed clauses 92 (1) (e) and 92 (3) (h))
 8. Restrictions will apply to acquisitions of securities that were subject to a take-over bid or an issuer bid for a period of twenty days following the expiry of the bid. (Proposed subsection 93 (6))
 9. Amendments are made to the rules governing take-over bids and issuer bids.
 10. Under the proposed section 100e, the existing Part XIX will continue to apply in respect of take-over bids and issuer bids commenced before the new Part XIX comes into force.
 11. New remedial powers are conferred on the Commission and on the High Court. (Proposed sections 100c and 100d)

The amendments to the Act set out in sections 5, 6, 8, 9, 10 and 11 of the Bill are complementary to the enactment of the new Part XIX of the Act.

Bill 68

1986

An Act to amend the Securities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 (1) of the *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraphs:

2a. “clearing agency” means a person or company that acts as an intermediary in paying funds or delivering securities, or both, in connection with trades in securities and that provides centralized facilities for the clearing of trades in securities;

.

34a. “recognized clearing agency” means a person or company that is designated as a recognized clearing agency by the Commission.

2. Subsection 2 (2) of the said Act is repealed and the following substituted therefor:

(2) The Commission shall be composed of a Chairman and not more than ten or less than eight other members, appointed by the Lieutenant Governor in Council, two of whom may be designated as Vice-Chairmen. Appointments

3. Clause 18 (1) (a) of the said Act is repealed and the following substituted therefor:

(a) the financial affairs of a recognized clearing agency, registrant or reporting issuer; and

.

4. The said Act is amended by adding thereto the following Part:

PART VIII-A

CLEARING AGENCIES

Recognition
of clearing
agencies

21a.—(1) Upon the application of a person or company carrying on or proposing to carry on the business of a clearing agency, the Commission may designate the person or company as a recognized clearing agency where the Commission is satisfied that to do so would be in the public interest and that the person or company can comply with the regulations and all terms and conditions imposed by the Commission with respect to the designation.

Commission's
powers

(2) The Commission, in designating a person or company as a recognized clearing agency, shall make the designation in writing and the designation may be made subject to such terms and conditions as the Commission may impose.

Idem

(3) The Commission, after giving a recognized clearing agency an opportunity to be heard, may suspend or cancel its designation as a recognized clearing agency or may impose terms and conditions upon the designation where in its opinion such action is in the public interest.

Idem

(4) The Commission, where it appears to it to be in the public interest, may make any decision with respect to any constating document, general agreement with its participants or members, by-law, rule, regulation, procedure or practice of a recognized clearing agency, including, without limiting the generality of the foregoing, suspending the operation of or requiring an amendment to any such constating document, general agreement, by-law, rule, regulation, procedure or practice.

Review of
decisions of
recognized
clearing
agency

(5) Any person or company directly affected by any direction, order or decision made under any by-law, rule, regulation, procedure or practice of a recognized clearing agency may apply to the Commission for a hearing and review thereof and section 8 applies to the hearing and review in the same manner as to the hearing and review of a decision of the Director.

5. Paragraph 17 of subsection 34 (1) of the said Act is repealed and the following substituted therefor:

17. A trade in a security to a person or company pursuant to a take-over bid or issuer bid made by that person or company.

6. Clause 71 (1) (k) of the said Act is repealed and the following substituted therefor:

- (k) the trade is made in a security to a person or company pursuant to a take-over bid or issuer bid made by that person or company.

7. Part XIX of the said Act is repealed and the following substituted therefor:

PART XIX

TAKE-OVER BIDS AND ISSUER BIDS

88.—(1) In this Part,

Definitions

“business day” means a day other than a Saturday or a holiday;

“class of securities” includes a series of a class of securities;

“equity security” means any security of an issuer that carries a residual right to participate in the earnings of the issuer and, upon the liquidation or winding up of the issuer, in its assets;

“formal bid” means,

- (a) a take-over bid or an issuer bid to which section 94 applies,

- (b) a take-over bid that is exempted from sections 94 to 99 or an issuer bid that is exempted from sections 94, 95, 96, 97 and 99,

- (i) by reason of an exemption under clause 92 (1) (a) or 92 (3) (e), if the offeror is required to deliver to every security holder whose last address as shown on the books of the offeree issuer is in Ontario a disclosure document of the type contemplated by subsection 127 (10), or

- (ii) by reason of an exemption under clause 92 (1) (e) or 92 (3) (h), if the offeror is required to deliver disclosure material relating to the bid to holders of the class of securities subject to the bid;

“interested person” means, for the purposes of sections 100c and 100d,

- (a) an offeree issuer,
- (b) a security holder, director or officer of an offeree issuer,
- (c) an offeror,
- (d) the Director, and
- (e) any person or company not referred to in clauses (a) to (d) who in the opinion of the Commission or the Court, as the case may be, is a proper person to make an application under section 100c or 100d, as the case may be;

“issuer bid” means an offer to acquire or redeem securities of an issuer made by the issuer to any person or company who is in Ontario or to any security holder of the issuer whose last address as shown on the books of the issuer is in Ontario and includes a purchase, redemption or other acquisition of securities of the issuer by the issuer from any such person or company, but does not include an offer to acquire or redeem debt securities that are not convertible into securities other than debt securities;

“offer to acquire” includes,

- (a) an offer to purchase, or a solicitation of an offer to sell, securities,
- (b) an acceptance of an offer to sell securities, whether or not such offer to sell has been solicited,

or any combination thereof, and the person or company accepting an offer to sell shall be deemed to be making an offer to acquire to the person or company that made the offer to sell;

“offeree issuer” means an issuer whose securities are the subject of a take-over bid, an issuer bid or an offer to acquire;

“offeror” means a person or company who makes a take-over bid, an issuer bid or an offer to acquire;

“offeror’s securities” means securities of an offeree issuer beneficially owned, or over which control or direction is exercised, on the date of an offer to acquire, by an offeror

or any person or company acting jointly or in concert with the offeror;

“published market” means, as to any class of securities, any market on which such securities are traded if the prices at which they have been traded on that market are regularly published in a *bona fide* newspaper or business or financial publication of general and regular paid circulation;

“take-over bid” means an offer to acquire outstanding voting or equity securities of a class made to any person or company who is in Ontario or to any security holder of the offeree issuer whose last address as shown on the books of the offeree issuer is in Ontario, where the securities subject to the offer to acquire, together with the offeror’s securities, constitute in the aggregate 20 per cent or more of the outstanding securities of that class of securities at the date of the offer to acquire.

(2) For the purposes of this Part,

Computation
of time,
expiry
of bid

- (a) a period of days shall be computed as commencing on the day next following the event which began the period and terminating at midnight on the last day of the period, except that if the last day of the period does not fall on a business day, the period terminates at midnight on the next business day; and
- (b) a take-over bid or an issuer bid expires at the later of,
 - (i) the end of the period, including any extension, during which securities may be deposited pursuant to the bid, and
 - (ii) the time at which the offeror becomes obligated by the terms of the bid to take-up or reject securities deposited thereunder.

(3) For the purposes of this Part,

Convertible
securities

- (a) a security shall be deemed to be convertible into a security of another class if, whether or not on conditions, it is or may be convertible into or exchangeable for, or if it carries the right or obligation to acquire, a security of the other class, whether of the same or another issuer; and

- (b) a security that is convertible into a security of another class shall be deemed to be convertible into a security or securities of each class into which the second-mentioned security may be converted, either directly or through securities of one or more other classes of securities that are themselves convertible.

Deemed
beneficial
ownership

89.—(1) For the purposes of this Part, in determining the beneficial ownership of securities of an offeror or of any person or company acting jointly or in concert with the offeror, at any given date, the offeror, person or company shall be deemed to have acquired and be the beneficial owner of a security, including an unissued security, if the offeror, person or company is the beneficial owner of any security convertible within sixty days following such date into such a security or has the right or obligation, whether or not on conditions, to acquire within such sixty days beneficial ownership of the security whether through the exercise of an option, warrant, right or subscription privilege or otherwise.

Calculation
of
holdings,
joint offers

(2) Where two or more offerors acting jointly or in concert make one or more offers to acquire securities of a class, the securities subject to any such offer or offers to acquire shall be deemed to be securities subject to the offer to acquire of each such offeror for the purpose of determining whether any such offeror is making a take-over bid.

Unissued
securities
deemed
outstanding

(3) Where an offeror or any person or company acting jointly or in concert with the offeror is deemed by reason of subsection (1) to be the beneficial owner of unissued securities, the securities shall be deemed to be outstanding for the purpose of calculating the number of outstanding securities of that class in respect of that offeror's offer to acquire.

Acting jointly
or in concert

90.—(1) For the purposes of this Part, it is a question of fact as to whether a person or company is acting jointly or in concert with an offeror and, without limiting the generality of the foregoing, the following shall be presumed to be acting jointly or in concert with an offeror:

1. Every person or company who, as a result of any agreement, commitment or understanding, whether formal or informal, with the offeror or with any other person or company acting jointly or in concert with the offeror, acquires or offers to acquire securities of the issuer of the same class as those subject to the offer to acquire.
2. Every person or company who, as a result of any agreement, commitment or understanding, whether

formal or informal, with the offeror or with any other person or company acting jointly or in concert with the offeror, intends to exercise jointly or in concert with the offeror or with any other person or company acting jointly or in concert with the offeror any voting rights attaching to any securities of the offeree issuer.

3. Every associate and affiliate of the offeror.

(2) Notwithstanding subsection (1), a registered dealer acting solely in an agency capacity for the offeror in connection with a take-over bid or an issuer bid and not executing principal transactions for its own account in the class of securities subject to the offer to acquire or performing services beyond customary dealer's functions shall not be presumed solely by reason of such agency relationship to be acting jointly or in concert with the offeror in connection with the bid. Limitation

91. For the purposes of this Part, a reference to an offer to acquire or to the acquisition or ownership of securities or to control or direction over securities shall be construed to include a direct or indirect offer to acquire or the direct or indirect acquisition or ownership of securities, or the direct or indirect control or direction over securities, as the case may be. Application to direct and indirect offers, etc.

92.—(1) Subject to the regulations, a take-over bid is exempt from sections 94 to 99 if, Exempted take-over bids

- (a) the bid is made through the facilities of a stock exchange recognized by the Commission for the purposes of this clause;
- (b) the bid is for not more than 5 per cent of the outstanding securities of a class of securities of the issuer and,
 - (i) the aggregate number of securities acquired by the offeror and any person or company acting jointly or in concert with the offeror within any period of twelve months in reliance upon the exemption provided by this clause does not, when aggregated with acquisitions made by the offeror and any person or company acting jointly or in concert with the offeror in reliance upon the exemptions provided by clauses (a) and (c), constitute in excess of 5 per cent of the outstanding securi-

ties of that class of the issuer at the commencement of the twelve month period, and

- (ii) if there is a published market for the securities acquired, the value of the consideration paid for any of the securities acquired is not in excess of the market price at the date of acquisition determined in accordance with the regulations plus reasonable brokerage fees or commissions actually paid;
- (c) all of the following conditions apply,
- (i) purchases are made from not more than five persons or companies in the aggregate, including persons or companies outside of Ontario,
 - (ii) the bid is not made generally to security holders of the class of securities that is the subject of the bid, and
 - (iii) the value of the consideration paid for any of the securities, including brokerage fees or commissions, does not exceed 115 per cent of the market price of securities of that class at the date of the bid determined in accordance with the regulations;
- (d) the offeree issuer is not a reporting issuer, there is not a published market in respect of the securities that are the subject of the bid, and the number of holders of securities of that class is not more than fifty, exclusive of holders who are in the employment of the offeree issuer or an affiliate of the offeree issuer, and exclusive of holders who were formerly in the employment of the offeree issuer or an affiliate of the offeree issuer and who while in that employment were, and have continued after that employment to be, security holders of the offeree issuer;
- (e) the number of holders, whose last address as shown on the books of the offeree issuer is in Ontario, of securities of the class subject to the bid and of securities convertible into securities of that class is fewer than fifty and the securities held by such holders constitute, in the aggregate, less than 2 per cent of the outstanding securities of that class, the bid is made in compliance with the laws of a jurisdiction that is recognized for the purposes of this clause by

the Commission, and all material relating to the bid that is sent by the offeror to holders of securities of the class that is subject to the bid is concurrently sent to all holders of such securities whose last address as shown on the books of the offeree issuer is in Ontario and filed; or

- (f) it is exempted by the regulations.

(2) For the purposes of clause (1) (c), where an offeror makes an offer to acquire securities from a person or company and the offeror knows or ought to know after reasonable enquiry that,

Determi-
nation
of number of
security
holders

- (a) one or more other persons or companies on whose behalf that person or company is acting as nominee, agent, trustee, executor, administrator or other legal representative has a direct beneficial interest in those securities, then each of such others shall be included in the determination of the number of persons and companies to whom the offer to acquire has been made, but, where an *inter vivos* trust has been established by a single settlor or where an estate has not vested in all persons beneficially entitled thereto, the trust or estate shall be considered a single security holder in such determination; or
- (b) the person or company acquired the securities in order that the offeror might make use of the exemption provided by clause (1) (c), then each person or company from whom those securities were acquired shall be included in the determination of the number of persons and companies to whom the offer to acquire has been made.

(3) Subject to the regulations, an issuer bid is exempt from sections 94, 95, 96, 97 and 99 if,

Exempted
issuer bids

- (a) the securities are purchased, redeemed or otherwise acquired in accordance with terms and conditions attaching thereto that permit the purchase, redemption or acquisition of the securities by the issuer without the prior agreement of the owners of the securities, or where the securities are acquired to meet sinking fund or purchase fund requirements;
- (b) the purchase, redemption or other acquisition is required by the instrument creating or governing the class of securities or by the statute under which

the issuer was incorporated, organized or continued;

- (c) the securities carry with them or are accompanied by a right of the owner of the securities to require the issuer to redeem or repurchase the securities and the securities are acquired pursuant to the exercise of such right;
- (d) the securities are acquired from a current or former employee of the issuer or of an affiliate of the issuer, and if there is a published market in respect of the securities,
 - (i) the value of the consideration paid for any of the securities acquired does not exceed the market price of the securities at the date of the acquisition determined in accordance with the regulations, and
 - (ii) the aggregate number or, in the case of convertible debt securities, the aggregate principal amount of securities acquired by the issuer within a period of twelve months in reliance on the exemption provided by this clause does not exceed 5 per cent of the securities of that class issued and outstanding at the commencement of the period;
- (e) the bid is made through the facilities of a stock exchange recognized by the Commission for the purpose of this clause;
- (f) following the publication of a notice of intention in the form and manner prescribed by the regulations, the issuer purchases securities in the normal course in the open market, including through the facilities of a stock exchange, if the aggregate number, or, in the case of convertible debt securities, the aggregate principal amount, of securities acquired by the issuer within a period of twelve months in reliance on the exemption provided by this clause does not exceed 5 per cent of the securities of that class issued and outstanding at the commencement of the period;
- (g) the issuer is not a reporting issuer, there is not a published market in respect of the securities that are the subject of the bid and the number of holders of securities of the issuer is not more than fifty,

exclusive of holders who are in the employment of the issuer or an affiliate of the issuer, and exclusive of holders who were formerly in the employment of the issuer or an affiliate of the issuer and who while in that employment were, and have continued after the employment to be, security holders of the issuer;

- (h) the number of holders, whose last address as shown on the books of the issuer is in Ontario, of securities of the class subject to the bid and of securities convertible into securities of that class is fewer than fifty and the securities held by such holders constitute, in the aggregate, less than 2 per cent of the outstanding securities of that class, the bid is made in compliance with the laws of a jurisdiction that is recognized for the purposes of this clause by the Commission, and all material relating to the bid that is sent by the offeror to holders of securities of the class that is subject to the bid is concurrently sent to all holders of such securities whose last address as shown on the books of the issuer is in Ontario and filed; or

- (i) it is exempted by the regulations.

(4) A bid that is made in reliance upon any exemption in this section through the facilities of a stock exchange shall be made in accordance with the by-laws, regulations and policies of the exchange.

Stock
exchange
requirements

93.—(1) In this section “offeror” means,

Definition

- (a) an offeror making a formal bid other than a bid referred to in clause 92 (1) (e) or 92 (3) (h);
- (b) a person or company acting jointly or in concert with an offeror referred to in clause (a);
- (c) a security holder of an offeror referred to in clause (a) who, as regards the offeror, is a person or company or a member of a combination of persons or companies referred to in subparagraph iii of paragraph 11 of subsection 1 (1) or an associate or affiliate of such security holder.

(2) An offeror shall not offer to acquire, or make or enter into any agreement, commitment or understanding to acquire beneficial ownership of any securities of the class that are subject to the bid or of any securities convertible into securities of

Restrictions
on
acquisitions
during bid

that class otherwise than pursuant to the bid on and from the day of the announcement of the offeror's intention to make the bid until the expiry of the bid.

Permitted
purchases
during
take-over bid

(3) Notwithstanding subsection (2), an offeror making a take-over bid may purchase, through the facilities of a stock exchange recognized by the Commission for the purpose of clause 92 (1) (a), securities of the class that are subject to the bid and securities convertible into securities of that class commencing on the third business day following the date of the bid until the expiry of the bid, if,

- (a) the intention to make such purchases is stated in the take-over bid circular;
- (b) the aggregate number of securities acquired under this subsection does not constitute, in the aggregate, in excess of 5 per cent of the outstanding securities of that class as at the date of the bid; and
- (c) the offeror issues and files a press release forthwith after the close of business of the exchange on each day on which securities have been purchased under this subsection disclosing the number of securities purchased on that day, the highest price paid for the securities on that day, the aggregate number of securities purchased to and including that day during the currency of the take-over bid and the average price paid for the securities.

Restrictions
on
acquisition
during issuer
bid

(4) An offeror shall not offer to acquire, or make or enter into any agreement, commitment or understanding to acquire, beneficial ownership of any securities of the class that are subject to the bid or of any securities convertible into securities of that class otherwise than pursuant to the bid on and from the day of the announcement of the offeror's intention to make the bid until the bid's expiry, but this subsection does not apply so as to prevent the offeror from purchasing, redeeming or otherwise acquiring any such securities during such period in reliance on an exemption under clause 92 (3) (a), (b) or (c).

Integration
with pre-bid
private
transactions

(5) Where a take-over bid that is a formal bid is made by an offeror and, within the period of ninety days immediately preceding the bid, the offeror acquired beneficial ownership of securities of the class subject to the bid or of any securities convertible into securities of that class pursuant to a transaction not generally available on identical terms to holders of that class of securities,

- (a) the offeror shall offer consideration for securities deposited under the bid identical to the highest consideration that was paid on a per security basis under any of such prior transactions or the offeror shall offer the cash equivalent of such consideration; and
- (b) the offeror shall offer to acquire under the bid that percentage of securities of the class subject to the bid that is at least equal to the highest percentage that the number of securities acquired from a seller in such a prior transaction was of the total number of securities of that class beneficially owned by such seller at the time of the prior transaction.

(6) An offeror shall not acquire beneficial ownership of securities of the class that was subject to the bid or of any securities convertible into securities of that class by way of a transaction that is not generally available on identical terms to holders of that class of securities during the period beginning with the expiry of the bid and ending at the end of the twentieth business day thereafter, and whether or not any securities are taken up under the bid.

Restriction
on
post-bid
acquisition

(7) Subsections (5) and (6) do not apply to trades effected in the normal course on a published market, so long as,

Exceptions,
normal
course
trades

- (a) any broker acting for the purchaser or seller does not perform services beyond the customary broker's function and does not receive more than reasonable fees or commissions;
- (b) the purchaser or any person or company acting for the purchaser does not solicit or arrange for the solicitation of offers to sell securities of the class subject to the bid; and
- (c) the seller or any person or company acting for the seller does not solicit or arrange for the solicitation of offers to buy securities of the class subject to the bid.

(8) An offeror shall not, except pursuant to the bid, sell or make or enter into any agreement, commitment or understanding to sell any securities of the class subject to the bid or securities convertible into securities of that class, on and from the day of the announcement of the offeror's intention to make the bid until its expiry.

Sales during
bid
prohibited

Exception

(9) Notwithstanding subsection (8), an offeror, before the expiry of a bid, may make or enter into an arrangement, commitment or understanding to sell securities that may be taken up by the offeror pursuant to a bid, after the expiry of the bid, if the intention to sell is disclosed in the take-over bid circular or issuer bid circular, as the case may be.

General provisions

94. Subject to the regulations, the following rules apply to every take-over bid and issuer bid:

Delivery of bid

1. The bid shall be made to all holders of securities of the class that is subject to the bid who are in Ontario, and delivered by the offeror to all holders, whose last address as shown on the books of the offeree issuer is in Ontario, of securities of that class and of securities that, before the expiry of the bid, are convertible into securities of that class.

Minimum deposit period

2. The offeror shall allow at least twenty-one days from the date of the bid during which securities may be deposited pursuant to the bid.

When taking up prohibited

3. No securities deposited pursuant to the bid shall be taken up by the offeror until the expiration of twenty-one days from the date of the bid.

Withdrawal

4. Securities deposited pursuant to the bid may be withdrawn by or on behalf of a depositing security holder,
 - i. at any time before the expiration of twenty-one days from the date of the bid,
 - ii. at any time before the expiration of ten days from the date of a notice of change or variation under section 97, other than a notice of variation referred to in subsection 97 (6), if the securities have not been taken up by the offeror at the date of the notice, and
 - iii. where the securities have not been taken up and paid for by the offeror, after forty-five days from the date of the bid.

Notice of withdrawal

5. Notice of withdrawal of any securities under paragraph 4 shall be made by or on behalf of the depositing security holder by a method that provides the depositary designated under the bid with a written or printed copy and, to be effective, the notice must be actually received by the depositary and, where

notice is given in accordance with this paragraph, the offeror shall return the securities to the depositing security holder.

6. Where the bid is made for less than all of the class of securities subject to the bid and where a greater number of securities is deposited pursuant thereto than the offeror is bound or willing to acquire under the bid, the securities shall be taken up and paid for by the offeror, as nearly as may be *pro rata*, disregarding fractions, according to the number of securities deposited by each depositing security holder. *Pro rata take-up*
7. Where an offeror purchases securities as permitted by subsection 93 (3), the securities so purchased shall be counted in the determination of whether a condition as to the minimum number of securities to be deposited in the bid has been fulfilled, but shall not reduce the number of securities the offeror is bound under the bid to take up. *Effect of market purchases*
8. Subject to paragraph 9, securities deposited pursuant to the bid shall be taken up and paid for by the offeror if the terms and conditions of the bid have been complied with or waived not later than ten days following the expiry of the bid. *When securities must be taken up and paid for*
9. Any securities deposited pursuant to the bid subsequent to the date on which the offeror first takes up securities deposited under the bid shall be taken up and paid for by the offeror within ten days of the deposit of the securities. *Idem*
10. The offeror shall take up and pay for the securities deposited under the bid, in accordance with this section, where all the terms and conditions of the bid have been complied with or waived. *Taking up*
11. Where all the terms and conditions of the bid have been complied with or waived, the offeror shall forthwith issue a notice by press release to that effect, which press release shall disclose the approximate number of securities deposited and the approximate number that will be taken up. *Press release*

95. Where a take-over bid or issuer bid provides that the consideration for the securities deposited pursuant to the bid is to be paid in cash or partly in cash, the offeror shall make adequate arrangements prior to the bid to ensure that the *Financing of bid*

required funds are available to effect payment in full for all securities that the offeror has offered to acquire.

Identical
consideration

96.—(1) Subject to the regulations, where a take-over bid or issuer bid is made, all holders of the same class of securities shall be offered identical consideration.

Collateral
benefit

(2) Where a take-over bid or issuer bid is made, no person or company shall enter into any agreement, commitment or understanding with any holder or beneficial owner of securities of the offeree issuer that has the effect of providing to the holder or owner a consideration of greater value than that offered to the other holders of the same class of securities.

Increasing
consideration

(3) Where a variation in the terms of a take-over bid or issuer bid before the expiry of the bid increases the value of the consideration offered for the securities subject to the bid, the offeror shall pay such increased consideration to each person or company whose securities are taken up pursuant to the bid, whether or not such securities were taken up by the offeror before the variation.

Offeror's
circular

97.—(1) An offeror shall deliver, with or as part of a take-over bid or issuer bid, a take-over bid circular or issuer bid circular, as the case may be.

Notice of
change
in
information

(2) Where, before the expiry of a take-over bid or issuer bid or after the expiry of the bid but before the expiry of all rights to withdraw the relevant securities, a change has occurred in the information contained in a take-over bid circular or issuer bid circular or in any notice of change or notice of variation that would reasonably be expected to affect the decision of the holders of the securities of the offeree issuer to accept or reject the bid, a notice of the change shall be delivered to every person or company to whom the circular was required to be delivered and whose securities were not taken up at the date of the occurrence of the change.

Idem

(3) Subsection (2) does not apply to a change that is not within the control of the offeror or of an affiliate of the offeror unless it is a change in a material fact relating to the securities being offered in exchange for securities of the offeree issuer.

Variation in
terms of bid

(4) Where there is a variation in the terms of a take-over bid or issuer bid, including any extension of the period during which securities may be deposited thereunder and whether or not the variation results from the exercise of any right contained in the bid, a notice of the variation shall be delivered to every person or company to whom the take-over bid circu-

lar or issuer bid circular was required to be delivered and whose securities were not taken up at the date of the variation.

(5) Subject to subsection (6), where there is a variation in the terms of a take-over bid or issuer bid, the period during which securities may be deposited pursuant to the bid shall not expire before ten days after the notice of variation has been delivered. Idem

(6) Subsection (5) does not apply to a variation in the terms of a bid consisting solely of, Idem

- (a) an increase in the amount of cash offered for the securities that are subject to the bid; or
- (b) the waiver of a condition in the bid where the consideration offered for the securities that are subject to the bid consists solely of cash.

(7) A take-over bid circular, issuer bid circular, notice of change and notice of variation shall be in the form and shall contain the information required by this Part and the regulations. Content

98.—(1) Where a take-over bid has been made, a directors' circular shall be prepared and delivered by the board of directors of an offeree issuer to every person and company to whom a take-over bid must be delivered under paragraph 1 of section 94, not later than ten days after the date of the bid. Directors' circular

(2) The board of directors shall include in a directors' circular either a recommendation to accept or to reject a take-over bid and the reasons for their recommendation, or a statement that they are unable to make or are not making a recommendation and if no recommendation is made, the reasons for not making a recommendation. Recommendation by board

(3) An individual director or officer may recommend acceptance or rejection of a take-over bid if the director or officer delivers with the recommendation a circular prepared in accordance with the regulations. Individual officer's or director's circular

(4) Where a board of directors is considering recommending acceptance or rejection of a take-over bid, it shall, at the time of sending or delivering a directors' circular, advise its security holders of this fact and may advise them not to tender their securities until further communication is received from the directors. Advising of consideration

Advising of
decision of
directors

(5) Where subsection (4) applies, the board of directors shall deliver the recommendation or the decision not to make a recommendation at least seven days before the scheduled expiry of the period during which securities may be deposited under the bid.

Notice of
change

(6) Where, before the expiry of a take-over bid or after the expiry of the bid but before the expiry of all rights to withdraw the securities that have been deposited under the bid,

- (a) a change has occurred in the information contained in a directors' circular or in any notice of change to a directors' circular that would reasonably be expected to affect the decision of the holders of the securities to accept or reject the bid, the board of directors of the offeree issuer shall forthwith deliver a notice of the change to every person or company to whom the circular was required to be sent disclosing the nature and substance of the change; or
- (b) a change has occurred in the information contained in an individual director's or officer's circular or any notice of change thereto that would reasonably be expected to affect the decision of the holders of the securities to accept or reject the bid, other than a change that is not within the control of the individual director or officer, as the case may be, the individual director or officer, as the case may be, shall forthwith deliver a notice of change in relation thereto to the board of directors.

Circulation of
individual
circulars and
notices

(7) Where an individual director or officer submits a circular under subsection (3) or a notice of change under clause (6) (b) to the board of directors, the board, at the offeree issuer's expense, shall deliver a copy of the circular or notice to the persons and companies referred to in subsection (1).

Content

(8) A directors' circular, director's or officer's circular and a notice of change shall be in the form and contain the information required by this Part and the regulations.

Delivery to
offeree issuer

99.—(1) A take-over bid and any notice of change or variation shall be filed and shall be delivered to the offeree issuer at its principal office and an issuer bid and any notice of change or variation shall be filed on the day such bid or notice is delivered to holders of securities of the offeree issuer, or as soon as practicable thereafter.

Delivery to
offeree issuer
and
Commission

(2) Every directors' circular and every individual director's or officer's circular or any notice of change in relation thereto

that is delivered to security holders of an offeree issuer shall be filed and shall be delivered to the offeror at its principal office on the day the directors' circular or individual director's or officer's circular or the notice of change is delivered to the holders of securities of the offeree issuer, or as soon as practicable thereafter.

(3) Except as provided by the regulations, a take-over bid or issuer bid, a take-over bid circular, an issuer bid circular, a directors' circular, an individual director's or officer's circular and every notice of change or variation in any such bid or circular shall be mailed by prepaid first class mail to the intended recipient and any bid, circular or notice so mailed shall be deemed to have been delivered and such bid, circular or notice shall be deemed conclusively for the purposes of sections 94, 97 and 98 and this section to have been dated as of the date on which it was so mailed to all or substantially all of the persons and companies entitled to receive it.

Delivery by
mail, date of
bid, etc.

100.—(1) Every person or company that, other than by means of a formal bid, acquires beneficial ownership of, or the power to exercise control or direction over, voting or equity securities of any class of a reporting issuer that, together with such person's or company's securities of that class, would constitute 10 per cent or more of the outstanding securities of that class,

Securities,
reports of
acquisitions

- (a) shall issue and file forthwith a press release disclosing the identity of the offeror and the extent of the beneficial ownership, control and direction; and
- (b) within two business days, shall file a report disclosing the prescribed information.

(2) Where a person or company is required to file a report under subsection (1) or a further report under this subsection and the person or company acquires beneficial ownership of, or the power to exercise control or direction over, an additional 2 per cent or more of the outstanding securities of the class or there is a change in any other material fact in such a report, the person or company that made the filing,

Change in
material facts

- (a) shall issue and file forthwith a press release disclosing the nature of the change; and
- (b) within two business days of the change, shall file a further report disclosing the nature of the change.

(3) During the period commencing on the occurrence of an event in respect of which a report or further report is required

Restrictions
on purchases

to be filed under this section and terminating on the expiry of one business day from the date that the report or further report is filed, the person or company required to file the report or further report and persons and companies acting jointly or in concert with such first mentioned person or company shall not acquire or offer to acquire beneficial ownership of any securities of the class in respect of which the report or further report is required to be filed or any securities convertible into securities of that class.

Exception

(4) Subsection (3) does not apply to an offeror that is the beneficial owner of, or has the power to exercise control or direction over, securities that constitute 20 per cent or more of the outstanding securities of that class.

Press release
re:
acquisitions
by person
other
than offeror
during bid

100a.—(1) Where, after a formal bid has been made for equity securities of an offeree issuer that is a reporting issuer and before the expiry of the bid, an offeror, other than the person or company making the bid, acquires beneficial ownership of, or the power to exercise control or direction over, voting or equity securities of any class of the offeree issuer which, when added to such offeror's securities of that class, constitute 5 per cent or more of the outstanding securities of a class of equity securities, the offeror shall, not later than the opening of trading on the next business day, issue a press release disclosing the offeror's identity, the number of securities of that class acquired since the commencement of the bid and the number of securities of that class beneficially owned or over which control or direction is exercised by the offeror and every person or company acting jointly or in concert with the offeror and, forthwith, the offeror shall file a copy of the press release.

Further press
releases

(2) Where an offeror that has filed a press release under subsection (1) or a further press release under this subsection or any person or company acting jointly or in concert with the offeror acquires beneficial ownership of, or control or direction over, voting or equity securities of the class in respect of which the press release was filed, which, when added to the securities of that class acquired after the filing of the press release by the offeror and any person or company acting jointly or in concert with the offeror, aggregates an additional 2 per cent or more of the class of outstanding securities, the offeror shall, not later than the opening of trading on the next business day, issue a further press release disclosing all changes in information since the filing of the immediately preceding press release required under this section and, forthwith, the offeror shall file a copy of the press release.

100b. Where the facts required to be reported under section 100 and Part XX are identical, a report is required only under the provision requiring the earlier report.

No
duplication
of reports

100c.—(1) Where, on the application of an interested person, it appears to the Commission that a person or company has not complied or is not complying with this Part or the regulations related to this Part, it may issue, subject to such terms and conditions as it may impose, an order,

Applications
to the
Commission

- (a) restraining the distribution of any document used or issued in connection with a take-over bid or issuer bid;
- (b) requiring an amendment to or variation of any document used or issued in connection with a take-over bid or issuer bid and requiring the distribution of any amended, varied or corrected document; and
- (c) directing any person or company to comply with this Part or the regulations related to this Part or restraining any person or company from contravening this Part or the regulations related to this Part and directing the directors and senior officers of the person or company to cause the person or company to comply with or to cease contravening this Part or the regulations related to this Part.

(2) Upon an application by any interested person, the Commission may, subject to such terms and conditions as it may impose,

Idem

- (a) decide for the purposes of subsection 96 (3) that a collateral agreement, commitment or understanding with a selling security holder is made for reasons other than to increase the value of the consideration paid to the selling security holder for the securities of the selling security holder and that the agreement or arrangement may be entered into notwithstanding that subsection;
- (b) vary any time period set out in this Part and the regulations related to this Part; and
- (c) exempt any person or company from any of the requirements of this Part or the regulations related to this Part where the Commission is satisfied that to do so would not be prejudicial to the public interest.

Applications
to the
High Court

100d.—(1) An interested person may apply to the High Court for an order under this section.

Idem

(2) Where, on an application under subsection (1), the judge hearing the application is satisfied that a person or company has not complied with this Part or the regulations related to this Part, the judge may make such interim or final order as the judge thinks fit, including, without limiting the generality of the foregoing,

- (a) an order compensating any interested person, who is a party to the application for damages suffered as a result of a contravention of this Part or the regulations related to this Part;
- (b) an order rescinding a transaction with any interested person, including the issue of a security or a purchase and sale of a security;
- (c) an order requiring any person or company to dispose of any securities acquired pursuant to or in connection with a take-over bid or an issuer bid;
- (d) an order prohibiting any person or company from exercising any or all of the voting rights attaching to any securities; and
- (e) an order requiring the trial of an issue.

Transition

100e. This Part and section 129 and the regulations related thereto, as they read immediately before the coming into force of this section, shall continue to apply in respect of every take-over bid and issuer bid commenced before the coming into force of this section.

8. Section 103 of the said Act is repealed.

9.—(1) Subsections 127 (1) and (2) of the said Act are repealed and the following substituted therefor:

Liability for
misrepresentation in
circular

(1) Where a take-over bid circular sent to the security holders of an offeree issuer as required by Part XIX contains a misrepresentation, every such security holder shall be deemed to have relied on the misrepresentation and may elect to exercise a right of action for rescission or damages against the offeror or a right of action for damages against,

- (a) every person who at the time the circular was signed was a director of the offeror;

- (b) every person or company whose consent has been filed pursuant to a requirement of the regulations but only with respect to reports, opinions or statements that have been made by the person or company; and
- (c) each person who signed a certificate in the circular other than the persons included in clause (a).

(2) Where a directors' circular or a director's or officer's circular delivered to the security holders of an offeree issuer as required by Part XIX contains a misrepresentation, every such security holder shall be deemed to have relied on such misrepresentation and has a right of action for damages against every director or officer who signed the circular. Idem

(2) Subsection 127 (4) of the said Act is repealed and the following substituted therefor:

(4) No person or company is liable under subsection (1), (2) or (3) if the person or company proves that the security holder had knowledge of the misrepresentation. Defence

(3) Subsection 127 (10) of the said Act is repealed and the following substituted therefor:

(10) Where the offeror,

- (a) in a take-over bid exempted from the provisions of Part XIX by clause 92 (1) (a); or
 - (b) in an issuer bid exempted from the provisions of Part XIX by clause 92 (3) (e),
- Deemed
take-over
bid circular
or issuer bid
circular

is required, by the by-laws, regulations or policies of the stock exchange through the facilities of which the take-over bid or issuer bid is made, to file with it or to deliver to security holders of the offeree issuer a disclosure document, the disclosure document shall be deemed, for the purposes of this section, to be a take-over bid circular or issuer bid circular, as the case may be, delivered to the security holders as required by Part XIX.

10. Section 129 of the said Act is repealed.

11. Section 130 of the said Act is repealed and the following substituted therefor:

130. A purchaser of a security to whom a prospectus was required to be sent or delivered but was not sent or delivered Liability of
dealer or
offeror

in compliance with subsection 70 (1) or a security holder to whom a take-over bid and a take-over bid circular or an issuer bid and an issuer bid circular were required to be delivered but were not delivered in compliance with section 94 and subsection 97 (1) has a right of action for rescission or damages against the dealer or offeror who failed to comply with the applicable requirement.

12.—(1) Section 139 of the said Act is amended by adding thereto the following paragraph:

18a. prescribing terms and conditions upon which a person or company may be designated as a recognized clearing agency.

(2) Paragraphs 32 and 33 of the said section 139 are repealed and the following substituted therefor:

32. respecting any other matter necessary or advisable to carry out effectively the intent and purpose of Parts XIX and XX, including, without restricting the generality of the foregoing, providing for exemptions in addition to those set out in subsections 92 (1) and (3), restricting any exemption set out in those subsections, prescribing rules in addition to those set out in section 94 and varying any rule set out in that section and prescribing the form and content of any circular, report or other document required to be delivered or filed.

Commence-
ment

13. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

14. The short title of this Act is the *Securities Amendment Act, 1986*.

20N

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Bill 69

An Act to establish the Insurance Rate Control Board

Mr. Swart



1st Reading April 22nd, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The Bill establishes an insurance rate control board that would have the power to assure the availability and adequacy of all classes of casualty, property and liability insurance and to fix rates which are just and reasonable.

Bill 69

1986

An Act to establish the Insurance Rate Control Board

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“Board” means The Insurance Rate Control Board;

“Insurance” means casualty, property and liability insurance;

“Minister” means the Minister of Consumer and Commercial Relations.

2.—(1) A board to be known as “The Insurance Rate Control Board” is hereby established.

Board
established

(2) The Board shall be composed of not fewer than seven and not more than nine members appointed by the Lieutenant Governor in Council from among representatives of labour, consumer and other citizens’ groups.

Composition

3. The Lieutenant Governor in Council may designate one of the members to be chairman of the Board.

Chairman

4. Five members of the Board constitute a quorum.

Quorum

5. The Lieutenant Governor in Council may fill any vacancy among the members of the Board.

Vacancies

6. Subject to the provisions of the *Statutory Powers Procedure Act*, the Board may determine its own procedure for the conduct of hearings.

Procedure
R.S.O. 1980,
c. 484

7. The objects of the Board are and it has power,

Objects and
powers

(a) to assure availability and adequacy of all classes of insurance;

- (b) on its own initiative or on application by insurance companies, to consider rate changes for insurance generally and for specific classifications;
- (c) to fix insurance rates that are just and reasonable for all classes;
- (d) to conduct public hearings with respect to proposed changes in rates and policy.

Appeal of
decision

8. Any person who in person or in writing makes a submission at a hearing may appeal in writing the decision of the Board to the Lieutenant Governor in Council within twenty-eight days of the date of the decision of the Board.

Annual
report

9. The Board shall make a report annually to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. The short title of this Act is the *Insurance Rate Control Board Act, 1986*.

Bill 70

An Act to amend the Provincial Offences Act

The Hon. I. Scott
Attorney General



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

SECTION 1. “Municipality” is defined for all purposes of the Act.

SECTION 2. This permits a justice to enter a default conviction for a municipal by-law offence without proof of the by-law if the defendant does not want to dispute the charge.

SECTION 3. These words are no longer necessary because of section 1, above.

SECTION 4.—Subsection 1. The period for filing a parking infraction certificate in court is extended from thirty to forty-five days.

Subsection 2. At the time of a parking infraction under a municipal by-law, the officer is not required to put the by-law number on the notice of infraction.

Subsection 3. Where an operator, rather than an owner, of a vehicle is being charged with a parking offence, the amendments require service of a parking infraction notice on the operator to be made personally and at the time of the offence. Provision is also made for proof of service.

SECTION 5. A certificate of parking infraction issued under a municipal by-law is not required to contain the number of the by-law as long as the notice of trial does contain the by-law number.

SECTION 6.—Subsection 1. Where a defendant does not want to dispute a municipal parking charge, evidence that there was no request for a hearing and no payment of the fine may be given by certificate of the clerk of the municipality or the clerk’s designee. A justice is permitted to enter a conviction for a municipal by-law parking offence without proof of the by-law.

Subsection 2. The words deleted are stricter than the general provisions for paying fines under section 67. The deletion of the words permits section 67 to apply.

SECTIONS 7 and 8. These sections require the payment of administrative fees, as prescribed by the regulations, where fines go into default.

SECTION 9. Section 15 of the Act brings Part II into effect in municipalities two years after Part II is proclaimed in force. Section 149 of the Act is amended to preserve the application of the old procedure during the period between the proclamation of Part II and the expiration of the two year period.

Bill 70

1986

An Act to amend the Provincial Offences Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Provincial Offences Act*, being chapter 400 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(1a) In this Act, “municipality” includes a regional, district or metropolitan municipality. Idem

2. Section 9 of the said Act is amended by adding thereto the following subsection:

(2) Where a defendant is deemed to not wish to dispute a charge under subsection (1) in respect of an offence under a by-law of a municipality, the justice shall enter a conviction under clause (1) (a) without proof of the by-law that creates the offence if the certificate of offence is complete and regular on its face. Where conviction without proof of by-law

3. Subsection 15 (2) of the said Act is amended by striking out “including a regional, district or metropolitan municipality” in the second and third lines.

4.—(1) Subsection 16 (1) of the said Act is repealed and the following substituted therefor:

(1) In addition to the procedure set out in Part III for commencing a proceeding by laying an information, a proceeding in respect of a parking infraction may be commenced by filing in the office of the court, Commencement of proceeding

- (a) a certificate of parking infraction; and
- (b) where the parking infraction is alleged against the defendant as owner of a vehicle, evidence of the ownership of the vehicle,

within forty-five days after the alleged infraction occurred.

(2) Section 16 of the said Act is amended by adding thereto the following subsection:

Municipal
by-laws

(2a) A provincial offences officer may issue a certificate and notice under subsection (2) in respect of a parking infraction under a by-law of a municipality without including on the certificate or notice a reference to the number of the by-law that creates the offence.

(3) The said section 16 is further amended by adding thereto the following subsections:

Service of
notice on
operator

(4) The issuing provincial offences officer may serve the parking infraction notice on the operator of a vehicle by delivering it to the operator personally at the time of the alleged parking infraction.

Certificate
of service

(5) The provincial offences officer who issued the certificate of parking infraction shall certify on the certificate of parking infraction that the officer served the parking infraction notice on the person charged and the date and method of service.

Certificate
as evidence

(6) A certificate of service of a parking infraction notice purporting to be signed by the provincial offences officer issuing it shall be received in evidence and is proof of service in the absence of evidence to the contrary.

5. Section 17 of the said Act is amended by adding thereto the following subsections:

Certificate
not invalid
without
by-law
number

(3) Subject to subsection (4), where a certificate of parking infraction is issued for an infraction under a by-law of a municipality, the certificate is not insufficient or irregular by reason only that it does not identify the by-law that creates the offence.

Exception

(4) Where the defendant delivers a notice under subsection (1), subsection (3) does not apply unless the notice of trial given to the defendant under subsection (2) identifies the by-law.

6.—(1) Section 19 of the said Act is amended by adding thereto the following subsections:

Certificate as
evidence

(1a) Where a certificate of parking infraction is issued for an infraction under a by-law of a municipality, a certificate purporting to be signed by the clerk of the municipality, or a person designated by the clerk,

- (a) that payment has not been made under section 18; and
- (b) that notice of the defendant's desire to appear or to be represented at trial has not been delivered to the place specified in the parking infraction notice,

shall be received in evidence and is proof of the facts contained therein in the absence of evidence to the contrary.

(1b) Where a defendant is deemed to not wish to dispute a charge under subsection (1) in respect of a parking infraction under a by-law of a municipality, the justice shall enter a conviction under subsection (1) without proof of the by-law which creates the offence if the justice is satisfied that all other criteria under subsection (1) for entering a conviction have been met.

Where
conviction
without proof
of by-law

(2) Subsection 19 (3) of the said Act is amended by striking out “and the fine or any part of the fine not paid within fifteen days after the giving of the notice shall be deemed to be in default” in the fourth, fifth and sixth lines.

7. The said Act is amended by adding thereto the following section:

70a.—(1) Where the payment of a fine is in default and the time for payment is not extended or further extended under subsection 67 (6), the defendant shall pay the administrative fee prescribed by the regulations.

Fee
where fine
in default

(2) For the purpose of making and enforcing payment, a fee payable under this section shall be deemed to be part of the fine that is in default.

Fee
collectable
as a fine

8. Section 91 of the said Act is amended by adding thereto the following clause:

- (g) prescribing administrative fees for the purposes of subsection 70a (1) for the late payment of fines or classes of fines, and prescribing the classes.

9. Section 149 of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 87, section 1, is amended by adding at the end thereof “or, in the case of parking infractions under municipal by-laws, until Part II applies in the municipality”.

10.—(1) This Act, except sections 3, 4, 5 and 6, comes into force on the day it receives Royal Assent.

Commence-
ment

Idem (2) Sections 3, 4, 5 and 6 come into force on the day Part II
R.S.O. 1980, of the *Provincial Offences Act* is proclaimed in force.
c. 400

Short title **11.** The short title of this Act is the *Provincial Offences
Amendment Act, 1986*.

Bill 70

(Chapter 42
Statutes of Ontario, 1986)

An Act to amend the Provincial Offences Act

The Hon. I. Scott
Attorney General

<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	October 30th, 1986
<i>3rd Reading</i>	November 4th, 1986
<i>Royal Assent</i>	November 4th, 1986



Bill 70

1986

An Act to amend the Provincial Offences Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Provincial Offences Act*, being chapter 400 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(1a) In this Act, “municipality” includes a regional, district or metropolitan municipality. Idem

2. Section 9 of the said Act is amended by adding thereto the following subsection:

(2) Where a defendant is deemed to not wish to dispute a charge under subsection (1) in respect of an offence under a by-law of a municipality, the justice shall enter a conviction under clause (1) (a) without proof of the by-law that creates the offence if the certificate of offence is complete and regular on its face. Where conviction without proof of by-law

3. Subsection 15 (2) of the said Act is amended by striking out “including a regional, district or metropolitan municipality” in the second and third lines.

4.—(1) Subsection 16 (1) of the said Act is repealed and the following substituted therefor:

(1) In addition to the procedure set out in Part III for commencing a proceeding by laying an information, a proceeding in respect of a parking infraction may be commenced by filing in the office of the court, Commencement of proceeding

- (a) a certificate of parking infraction; and
- (b) where the parking infraction is alleged against the defendant as owner of a vehicle, evidence of the ownership of the vehicle,

within forty-five days after the alleged infraction occurred.

(2) Section 16 of the said Act is amended by adding thereto the following subsection:

Municipal
by-laws

(2a) A provincial offences officer may issue a certificate and notice under subsection (2) in respect of a parking infraction under a by-law of a municipality without including on the certificate or notice a reference to the number of the by-law that creates the offence.

(3) The said section 16 is further amended by adding thereto the following subsections:

Service of
notice on
operator

(4) The issuing provincial offences officer may serve the parking infraction notice on the operator of a vehicle by delivering it to the operator personally at the time of the alleged parking infraction.

Certificate
of service

(5) The provincial offences officer who issued the certificate of parking infraction shall certify on the certificate of parking infraction that the officer served the parking infraction notice on the person charged and the date and method of service.

Certificate
as evidence

(6) A certificate of service of a parking infraction notice purporting to be signed by the provincial offences officer issuing it shall be received in evidence and is proof of service in the absence of evidence to the contrary.

5. Section 17 of the said Act is amended by adding thereto the following subsections:

Certificate
not invalid
without
by-law
number

(3) Subject to subsection (4), where a certificate of parking infraction is issued for an infraction under a by-law of a municipality, the certificate is not insufficient or irregular by reason only that it does not identify the by-law that creates the offence.

Exception

(4) Where the defendant delivers a notice under subsection (1), subsection (3) does not apply unless the notice of trial given to the defendant under subsection (2) identifies the by-law.

6.—(1) Section 19 of the said Act is amended by adding thereto the following subsections:

Certificate as
evidence

(1a) Where a certificate of parking infraction is issued for an infraction under a by-law of a municipality, a certificate purporting to be signed by the clerk of the municipality, or a person designated by the clerk,

- (a) that payment has not been made under section 18; and
- (b) that notice of the defendant's desire to appear or to be represented at trial has not been delivered to the place specified in the parking infraction notice,

shall be received in evidence and is proof of the facts contained therein in the absence of evidence to the contrary.

(1b) Where a defendant is deemed to not wish to dispute a charge under subsection (1) in respect of a parking infraction under a by-law of a municipality, the justice shall enter a conviction under subsection (1) without proof of the by-law which creates the offence if the justice is satisfied that all other criteria under subsection (1) for entering a conviction have been met.

Where
conviction
without proof
of by-law

(2) Subsection 19 (3) of the said Act is amended by striking out "and the fine or any part of the fine not paid within fifteen days after the giving of the notice shall be deemed to be in default" in the fourth, fifth and sixth lines.

7. The said Act is amended by adding thereto the following section:

70a.—(1) Where the payment of a fine is in default and the time for payment is not extended or further extended under subsection 67 (6), the defendant shall pay the administrative fee prescribed by the regulations.

Fee
where fine
in default

(2) For the purpose of making and enforcing payment, a fee payable under this section shall be deemed to be part of the fine that is in default.

Fee
collectable
as a fine

8. Section 91 of the said Act is amended by adding thereto the following clause:

- (g) prescribing administrative fees for the purposes of subsection 70a (1) for the late payment of fines or classes of fines, and prescribing the classes.

9. Section 149 of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 87, section 1, is amended by adding at the end thereof "or, in the case of parking infractions under municipal by-laws, until Part II applies in the municipality".

10.—(1) This Act, except sections 3, 4, 5 and 6, comes into force on the day it receives Royal Assent.

Commence-
ment

Idem (2) Sections 3, 4, 5 and 6 come into force on the day Part II
R.S.O. 1980, of the *Provincial Offences Act* is proclaimed in force.
c. 400

Short title **11.** The short title of this Act is the *Provincial Offences
Amendment Act, 1986.*

20N

56

Bill 71

An Act to protect the Public Health and Comfort and the Environment by Prohibiting and Controlling Smoking in Public Places

Mr. Sterling



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill prohibits smoking in indoor public places, public vehicles and in certain areas of health facilities and authorizes the Lieutenant Governor in Council to prohibit smoking in the workplace. Provision is made for the designation of smoking areas in public places where to do so will not interfere with non-smokers. Patients in health facilities are given the right to request a non-smoking room. Municipalities are authorized to pass non-smoking by-laws.

Bill 71

1986

**An Act to protect the
Public Health and Comfort and the Environment by
Prohibiting and Controlling Smoking in Public Places**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“enclosed public place” means,

- (a) an enclosed indoor area that is open to the public during the times that it is open to the public and, without limiting the generality of the foregoing, includes those parts of a restaurant, health care facility, retail store, commercial establishment or an office building or educational institution that are normally open to clients, customers, students or other members of the public, and
- (b) any common carrier or vehicle available for hire to the general public;

“health care facility” means a facility in which patients are or may be admitted for medical treatment or care and includes a hospital, nursing home and medical clinic;

“prescribed” means prescribed by the regulations made under this Act;

“smoking” includes holding or having control over a lighted cigarette, cigar or pipe or any other lighted smoking equipment;

“smoking area” means an area in which smoking is permitted.

2.—(1) Subject to subsection (2), no person shall smoke a cigarette, cigar, pipe or any other lighted smoking equipment in an enclosed public place except as prescribed.

No smoking
in public
place

Designate
smoking
areas

(2) Subject to subsection (3), the person in charge of an enclosed public place may designate a specific area or areas of that place as a smoking area if,

- (a) a reasonably substantial area of the place is not so designated; and
- (b) the existing physical barriers and ventilation systems are adequate to minimize any harmful effects or discomfort the smoking may cause to persons in the area not so designated.

Exception
for schools

(3) Subsection (2) does not apply to those areas of a day care centre, nursery school or an elementary or secondary school to which students have access while students are present in the school or to a school bus transporting students.

Duties of
person in
charge

3. The proprietor or other person in charge of an enclosed public place shall make reasonable efforts to prevent persons from smoking in the place by,

- (a) posting a sign in the prescribed form and manner to notify persons that smoking is prohibited;
- (b) where there are seats in the place, clearly designating a section of seats in which smoking is prohibited;
- (c) asking smokers to refrain from smoking if a client who is suffering discomfort from smoke so requests; or
- (d) taking any other appropriate action.

No smoking
in health
facility

4.—(1) No person shall smoke a cigarette, cigar, pipe or other lighted smoking equipment in the following areas of a health facility,

- (a) any kitchen, laboratory or corridor;
- (b) a patient's room if the patient has requested that there be no smoking in his or her room; or
- (c) the non-smoking area of a waiting room.

Right of
patient to
non-smoking
room

(2) Every patient in a health facility has the right to accommodation in a non-smoking room and the person in charge of a health facility shall ensure that on admission every patient is advised of that right.

5. No person shall smoke a cigarette, cigar, pipe or other lighted smoking equipment in an area of a workplace that is prescribed as a non-smoking area.

No smoking
in
workplace,
if prescribed

6.—(1) Nothing in this Act limits the right of a proprietor or other person in charge of an enclosed public place or a health facility to further limit or ban smoking on all or a part of its premises.

Person in
charge may
further
limit
smoking

(2) The council of a municipality may pass a by-law that further limits or bans smoking in any enclosed public place in that municipality.

Municipal
by-law may
further
limit
smoking

7. Every person who contravenes a provision of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$100.

Offence

8. The Lieutenant Governor in Council may make regulations,

Regulations

(a) exempting certain classes of enclosed public places from the application of this Act where their size makes the application impracticable;

(b) prescribing the form and manner of posting signs (clause 3 (a));

(c) defining "workplace" for the purposes of section 5, prohibiting persons from smoking a cigarette, cigar, pipe or other lighted smoking equipment in the workplace or in any class of workplace and authorizing the person in charge of a workplace to designate areas of the workplace where smoking is permitted;

(d) respecting any matter necessary or advisable to carry out effectively the intent and purposes of this Act.

9. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

10. The short title of this Act is the *Non-Smokers' Protection Act, 1986*.

Short title

Bill 71

An Act to protect the Public Health and Comfort and the Environment by Prohibiting and Controlling Smoking in Public Places

Mr. Sterling



1st Reading April 22nd, 1986
2nd Reading April 22nd, 1986
3rd Reading
Royal Assent

(Reprinted as amended by the General Government Committee)

EXPLANATORY NOTE

↓

The Bill limits smoking in indoor public places, public vehicles and in certain areas of health care facilities and requires employers to prohibit smoking in an enclosed area of a workplace if $\frac{1}{3}$ of the persons working in the area so request or if a person whose health is adversely affected by smoking in the area so requests. Provision is made for the designation of smoking areas in public places and in workplaces where to do so will not interfere with non-smokers. Patients in health care facilities are given the right in most cases to request a non-smoking room. Municipalities are authorized to pass non-smoking by-laws. ↑

Bill 71

1986

**An Act to protect the
Public Health and Comfort and the Environment by
Prohibiting and Controlling Smoking in Public Places**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“enclosed public place” means,

- (a) an enclosed indoor area that is open to the public during the times that it is open to the public and, without limiting the generality of the foregoing, includes those parts of a restaurant, health care facility, retail store, commercial establishment or an office building or educational institution that are normally open to clients, customers, patients, students or other members of the public, and
- (b) a bus or other vehicle that is used to provide transportation to the general public for a fee during the time that it is so used;

“health care facility” means a facility in which patients are or may be admitted for medical treatment or care and includes a hospital, nursing home and medical clinic;

“prescribed” means prescribed by the regulations made under this Act;

“smoking” includes holding or having control over a lighted cigarette, cigar or pipe or any other lighted smoking equipment and “smoke” has a corresponding meaning;

2.—(1) In this section, “medical officer of health” means a medical officer of health as defined in the *Health Protection and Promotion Act, 1983*.

Definition
1983, c. 10

Enforcement
of Act


(2) A medical officer of health for an area or a person performing the duties of a medical officer of health for an area is responsible for the enforcement of this Act in that area and for the purpose has the powers of a medical officer of health under Part V of the *Health Protection and Promotion Act, 1983*.

1983, c. 10

No smoking
in public
place

3.—(1) Subject to the regulations, no person shall smoke in an enclosed public place unless the person is in a specific area of that place designated under subsection (2) as an area where smoking is permitted.

Designate
smoking
areas

(2) The person in charge of an enclosed public place may designate a specific area of that place as an area where smoking is permitted by posting a sign in the prescribed form and manner if, 


(a) a reasonably substantial area of the place is not so designated; and

(b) the physical barriers and ventilation systems are adequate to minimize any harmful effects or discomfort the smoking may cause to persons in the area not so designated.

Exception
for schools

(3) Subsection (2) does not apply to those areas of a day care centre, nursery school or an elementary or secondary school to which students have access while students are present in the school or to a school bus while transporting students.

No smoking
in health
care facility

4.—(1) No person shall smoke in an area of a health care facility that is not an enclosed public place if the area is, 

(a) a kitchen or laboratory; or

(b) a patient's room if the patient has requested that there be no smoking in his or her room.

Patient
advised
of right to
no smoking
in room

(2) A patient in a health care facility has the right to request that there be no smoking in his or her room and the person in charge of a health care facility shall ensure that on admission every patient is advised that if the patient so requests, smoking will be prohibited in that room.

Exception

(3) Despite subsections (1) and (2), where a patient's attending physician informs the administrator of a health care facility in writing that there are reasonable grounds to believe that,

- (a) prohibiting smoking in the patient's room might put the health of the patient at risk; and
- (b) the risk to the patient of prohibiting smoking is greater than the risk to another patient who requests a non-smoking room of exposure to second hand smoke,

and there is no other room available for the other patient, the administrator may permit the patient mentioned in clause (a) to smoke in the room, subject to whatever conditions the administrator considers appropriate.

5.—(1) No person shall smoke in an area of a workplace that is designated by the employer as an area where smoking is prohibited. No smoking in workplace, if designated

(2) An employer shall designate an enclosed area of a workplace as an area where smoking is prohibited if at least one third of the persons working in that area request the designation or if a person working in that area whose health is adversely affected by smoking in the area requests the designation. Designate no smoking areas

(3) Where an employer designates an enclosed area of a workplace as an area where smoking is prohibited, the employer may designate a specific area of that place as an area where smoking is permitted if the physical barriers and ventilation systems are adequate to minimize any harmful effects or discomfort the smoking may cause to the persons requesting that there be no smoking. Designate smoking areas

(4) No person shall dismiss, discipline, penalize, coerce, intimidate or attempt to coerce or intimidate another person because the other person has made a request under subsection (2). No discipline for requesting


6.—(1) The person in charge of an enclosed public place or a health care facility shall make reasonable efforts to prevent persons from smoking in areas where smoking is prohibited by or under this Act, including, Duties of person in charge

- (a) posting a sign in the prescribed form and manner to notify persons that smoking is prohibited;
- (b) asking smokers to refrain from smoking if a person so requests; and
- (c) taking any other appropriate action.

Duties of
employer

(2) An employer shall make reasonable efforts to prevent persons from smoking in areas of a workplace where smoking is prohibited under this Act, including asking smokers to refrain from smoking if a person so requests and taking any other appropriate action.

Person in
charge may
further
limit
smoking

7.—(1) Nothing in this Act limits the right of an employer or other person in charge of an enclosed public place, a workplace or a health care facility to further limit or ban smoking on all or a part of its premises. 

Municipal
by-law may
further
limit
smoking

(2) The council of a municipality may pass a by-law that further limits or bans smoking in enclosed public places, in health care facilities or in any class thereof in that municipality.

Offence

8.—(1) Every person who contravenes a provision of this Act other than subsection 4 (2), 5 (2) or (4) or section 6 or of the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$100.



Idem

(2) Every person who contravenes subsection 4 (2), 5 (2) or (4) or section 6 is guilty of an offence and on conviction is liable to a fine of not more than \$500 for a first offence or not more than \$3,000 for a second or subsequent offence.

Crown
bound

9. This Act binds the Crown.

Regulations

10. The Lieutenant Governor in Council may make regulations,

- (a) exempting specified classes of enclosed public places from the application of any provision of this Act where, in the opinion of the Lieutenant Governor in Council, their application is impracticable and for the purpose prescribing conditions to be met before the exemption applies;
- (b) prescribing the form and manner of posting signs;
- (c) prescribing factors an employer shall take into account in determining whether a person's health is adversely affected for the purpose of subsection 5 (2).

Commence-
ment

11.—(1) This Act, except section 5 and subsection 7 (2), comes into force on the 30th day of June, 1987.

Idem

(2) Section 5 comes into force on the 1st day of January, 1988.

(3) Subsection 7 (2) shall be deemed to have come into force on the 1st day of January, 1980.

Idem



12. The short title of this Act is the *Non-Smokers' Protection Act, 1986*.

Short title

Bill 72

An Act to amend the Powers of Attorney Act

The Hon. I. Scott
Attorney General



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The purpose of the amendment is to preserve the original intent that the protection provided by section 3 of the Act is to be available when any authority under a power of attorney comes to an end. The amendment is to remove possible doubt and is made retroactive to the date of the coming into force of the provision being amended.

Bill 72**1986****An Act to amend the Powers of Attorney Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 (1) of the *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by inserting after "terminated" in the first line "or revoked or becomes invalid" and by inserting after "termination" in the fifth line "revocation or invalidity".

2. This Act shall be deemed to have come into force on the 20th day of December, 1979. Commence-
ment

3. The short title of this Act is the *Powers of Attorney Amendment Act, 1986*. Short title

Bill 72

(Chapter 49
Statutes of Ontario, 1986)

An Act to amend the Powers of Attorney Act

The Hon. I. Scott
Attorney General



<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	November 5th, 1986
<i>3rd Reading</i>	November 18th, 1986
<i>Royal Assent</i>	November 18th, 1986

Bill 72**1986****An Act to amend the Powers of Attorney Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 (1) of the *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by inserting after “terminated” in the first line “or revoked or becomes invalid” and by inserting after “termination” in the fifth line “revocation or invalidity”.

2. This Act shall be deemed to have come into force on the 20th day of December, 1979. Commence-
ment

3. The short title of this Act is the *Powers of Attorney Amendment Act, 1986*. Short title

ON

56

Bill 73

An Act to amend the Public Vehicles Act

Mr. Martel



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill would prevent school bus passengers from standing in the aisles while the bus is in motion.

Subsection 23 (1) of the Act now reads:

(1) No driver or operator shall allow passengers to ride on the fenders or any other part of a public vehicle other than the seats thereof, except that a vehicle may carry as standing passengers in the aisles thereof not more than one-third the number of persons for which seats are provided.

Bill 73**1986****An Act to amend the Public Vehicles Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 23 (1) of the *Public Vehicles Act*, being chapter 425 of the Revised Statutes of Ontario, 1980, is amended by inserting after “vehicle” where it appears the second time in the third line “other than a school bus as defined in section 151 of the *Highway Traffic Act*”.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *Public Vehicles Amendment Act, 1986*. Short title

1

20N

56

Bill 74

An Act to amend the Operating Engineers Act

The Hon. M. Kwinter

Minister of Consumer and Commercial Relations



1st Reading April 22nd, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The Act currently provides for provisional certificates of qualification to be issued to applicants who qualified for similar certificates in other provinces.

The concept of provisional certificates is being removed but provision is being made for regular certificates to be issued to applicants who qualified in other provinces.

Bill 74

1986

An Act to amend the Operating Engineers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 2 of subsection 15 (1) of the *Operating Engineers Act*, being chapter 363 of the Revised Statutes of Ontario, 1980, is repealed.

2. Section 23 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 42, section 12, is repealed and the following substituted therefor:

23.—(1) The chief officer shall, upon payment of the fee prescribed by the regulations, issue a certificate of qualification to every person who applies therefor and holds a subsisting certificate issued by another province or territory of Canada that qualifies the person to perform the work or duties of an operating engineer or operator in such province or territory. Certificate of qualifications

(2) The certificate of qualification issued under subsection (1) shall be of a class that authorizes the holder of the certificate to perform the work and duties that, in the opinion of the chief officer, the holder is qualified to perform in Ontario having regard to the qualifications prescribed by the regulations for applicants for certificates of qualification. Idem

3.—(1) Clause 37 (b) of the said Act is amended by striking out “and provisional certificates of qualification” in the second and third lines.

(2) Clause 37 (f) of the said Act is repealed and the following substituted therefor:

- (f) providing for the issue, renewal and reinstatement of certificates of qualification.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Operating Engineers Amendment Act, 1986*.

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B 56

Bill 75

▼
**An Act to amend the Education Act and the
Municipality of Metropolitan Toronto Act** ▲

The Hon. S. Conway
Minister of Education



1st Reading April 22nd, 1986
2nd Reading April 22nd, 1986
3rd Reading
Royal Assent

(Reprinted as amended by the General Government Committee)

EXPLANATORY NOTES

GENERAL. The Bill provides for governance of French-language instruction where English is the language of the majority, and for governance of English-language instruction where French is the language of the majority.

Sections 1 to 10 of the Bill relate to advisory committees. Section 11 adds new Parts XI-A and XI-B to the *Education Act* and section 12 adds a complementary amendment to the *Municipal Elections Act*. Section 13 provides for governance of French-language instruction in Metropolitan Toronto.

SECTIONS 1, 2 and 4. The definitions set out in the present subsection 258 (1) and section 260 are consolidated into one section and revised.

SECTION 3. The reference to public schools becomes a reference to elementary schools.

SECTION 5. The criteria for the establishment of a French-language advisory committee are revised.

SECTION 6. Where the seat of an appointed member of a committee is vacant, it will be filled from among the members of the board.

SECTION 7. The rights of the chairman of an advisory committee are widened in relation to the board. Members of an advisory committee are required to make a declaration of office similar to that of a member of a board.

SECTION 8. The criteria for an English-language advisory committee are revised.

SECTION 9. The amendments to section 274 of the Act are complementary to the other amendments to Part XI.

SECTION 10. This section requires the establishment of new advisory committees within two months after the section comes into force.

SECTION 11. This section adds new Part XI-A to the Act. Part XI-A provides for the election of French-language sections of boards and corresponding English-language sections, beginning at the regular election in 1988.

Section 11 also adds new Part XI-B to the Act. Part XI-B provides for French-language education councils and corresponding English-language education councils that are to hold office until the regular election in 1988.

SECTION 12. This section makes a complementary amendment to section 19 of the *Municipal Elections Act*.

SECTION 13. This section amends the *Municipality of Metropolitan Toronto Act*.

The proposed section 120a requires the establishment of new advisory committees for the boards of education in Metropolitan Toronto. The advisory committees will cease to exist following the regular elections to be held in 1988.

Sections 120b to 120i provide for the establishment of The Metropolitan French-Language School Council which will have responsibility for the governance of French-language instruction beginning on the 1st day of January, 1989. The Council will have all the powers of a board of education and will be represented on The Metropolitan Toronto School Board.

SECTION 14. This section repeals new Part XI-B on the 1st day of December, 1988.

Bill 75

1986

An Act to amend the Education Act and the Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part XI of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 32, sections 62 to 67 and 1984, chapter 60, sections 17 to 25, is further amended by adding thereto the following section:

257a. In this Part,

Definitions

“board” means,

- (a) a board of education the members of which are elected under the *Municipal Elections Act*,
- (b) a county or district combined separate school board,
- (c) the Metropolitan Separate School Board, or
- (d) The Windsor Roman Catholic Separate School Board,

R.S.O. 1980,
c. 308

and includes,

- (e) for the purposes of section 258, a district school area board, a protestant separate school board, a rural separate school board and a combined separate school board,
- (f) for the purposes of section 261, a secondary school board and a board of education formed under section 69, and

(g) for the purposes of sections 274 to 277b, a board described in clause (e) or (f);

“committee”, except in sections 274 to 277b, means a French-language advisory committee formed under section 262;

“French-language instructional unit” means a class, group of classes or school in which French is the language of instruction but does not include a class, group of classes or school established under clause 8 (1) (y) (French-language instruction for English-speaking pupils);

“French-speaking person” means a child of a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario;

“French-speaking ratepayer” means a person who is entitled to vote at an election of members of the board and who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario.

2. Subsection 258 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 60, section 17, is repealed.

3. Section 259 of the said Act is repealed and the following substituted therefor:

Duties and responsibilities of advisory committee in elementary schools

259. Where a board has established a French-language advisory committee under section 262, or an English-language advisory committee under section 272, the committee has the same duties and responsibilities in respect of the French-language schools and classes or English-language schools and classes, as the case may be, that are provided in the elementary schools operated by the board as it has in respect of French-language instructional units or English-language schools and classes, as the case may be, for secondary school purposes.

4. Section 260 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 60, section 18, is repealed.

5.—(1) Subsections 262 (1), (2) and (3), subsection 262 (3a), as enacted by the Statutes of Ontario, 1982, chapter 32, section 63, subsection 262 (4), as amended by the Statutes of Ontario,

1982, chapter 32, section 63, and subsection 262 (5) of the said Act are repealed and the following substituted therefor:

(1) A board by resolution shall establish a French-language advisory committee and provide for the holding of elections of members of the committee if,

French-language
advisory
committee

- (a) the board does not operate a French-language instructional unit;
- (b) the board enters or has entered into an agreement or agreements with another board or boards to enable one or more resident pupils of the board to receive instruction in one or more French-language instructional units operated by the other board or boards;
- (c) the calculated enrolment of resident pupils in respect of whom the agreement or agreements are entered into is less than 300 and is less than 10 per cent of the total calculated enrolment of resident pupils of the board; and
- (d) ten or more French-speaking ratepayers apply in writing to the board for the establishment of the French-language advisory committee.

(1a) In this section, “calculated enrolment”, “resident pupil” and “total calculated enrolment” have the same meaning as in Part XI-A.

Definitions

(1b) Clause (1) (c) does not apply until the 1st day of December, 1988.

Non-appli-
cation of
cl. (1) (c)

(1c) The board shall pass the resolution and the elections shall be held within two months after receiving the application.

Resolution

(1d) The committee shall consist of,

Composition
of committee

- (a) not more than three persons appointed by the board from among the members of the board; and
- (b) six French-speaking ratepayers who are not members of the board but have the qualifications to be elected to the board, elected by French-speaking ratepayers.

Qualifications (1e) A person is qualified to be appointed or elected to the committee if the person is a French-speaking ratepayer and is qualified to be elected to the board.

Disqualification (1f) A person who ceases to be qualified to be elected to a board is not qualified to act as a member of a committee.

Committee of less than nine members (2) A committee may meet and conduct business notwithstanding that fewer than three persons are appointed to it under clause (1d) (a) or that fewer than six persons are elected to it under clause (1d) (b).

Application of s. 206 (3) Section 206 applies with necessary modifications to a member of a committee under clause (1d) (b).

Term of office (4) A member of a committee shall hold office during the term of the members of the board and until a new board is organized and a successor is appointed or elected, as the case may be.

Apportionment of members (5) The board, subject to subsections (8) and (9), shall apportion the number of members under clause (1d) (b) among the municipalities and the localities, or among parts or groups of such municipalities or localities, within the jurisdiction of the board as nearly as is practicable in the proportion that the number of French-speaking persons who elect to receive their education in a French-language instructional unit from each such municipality, locality or part or group thereof bears to the total number of such pupils within the area of jurisdiction of the board.

(2) Section 262 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 63, is further amended by adding thereto the following subsections:

Idem (9) Where a board has a committee that was established before the coming into force of this section and the board is required to establish a new committee under subsection (2), the board, for the purpose of making the first apportionments under subsection (5) for the new committee, shall consult with the existing committee before making the apportionment.

Dissolution (10) A committee is dissolved on the 1st day of December in a year, if no resident pupil of the board has received instruction in a French-language instructional unit operated by another board at some time in October or November of that year pursuant to an agreement described in clause (1) (b).

6. Subsection 266 (1) of the said Act is amended by inserting after "board" in the second line "from among the members of the board".



7. Section 268 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 60, section 20, is further amended by renumbering subsection (1) as subsection (1c) and by adding thereto the following subsections:

(1) The chairman of the committee has the right,

Attendance
of committee
chairman at
board
meetings

(a) to attend meetings of the board in the same manner as a member of the board; and

(b) to participate in the discussion at a meeting of the board in respect of any matter that is within the jurisdiction of the committee under subsection 267 (1).

(1a) The chairman of the committee has the right to present recommendations of the committee to the board and to speak to the recommendations.

Presentation
of
recommen-
dations

(1b) The chairman of the committee may designate a member of the committee to act in the place of the chairman at any meeting of the board.

Designation
of member
by chairman

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(1d) The chairman of the committee or a member of the committee designated by the chairman of the committee to attend a meeting of the committee of the whole board is subject to the same rule of confidentiality that applies to members of the board.

Confiden-
tiality

.

(5) Every person elected to a committee, on or before the day of the first meeting of the committee that he or she attends, shall make and subscribe a declaration in the same form with necessary modifications as subsections 185 (1) and (2) require of a person elected to a board and, for the purpose,

Declaration

(a) a reference to a person elected to a board shall be deemed to be a reference to a person elected to a committee;

- (b) a reference to a person elected to fill a vacancy on a board shall be deemed to be a reference to a person elected to fill a vacancy on a committee;
- (c) a reference to a meeting shall be deemed to be a reference to a meeting of the committee or, if the person is a member of the committee designated by the chairman to attend a meeting of the board, a meeting of the committee or of the board; and
- (d) a reference to the office of trustee shall be deemed to be a reference to the office of member of the committee.

Resignation

(6) A member of a committee who fails to comply with subsection (5) shall be deemed to have resigned from the committee.

Filing

(7) A member of a committee shall file his or her declaration with the secretary of the board within eight days after making and subscribing the declaration.

8. Subsection 272 (2) of the said Act is repealed and the following substituted therefor:

English-language
advisory
committee

(2) A board by resolution shall establish an English-language advisory committee and provide for the holding of elections of members of the committee if,

- (a) the board does not operate an English-language instructional unit;
- (b) the board enters or has entered into an agreement or agreements with another board or boards to enable one or more resident pupils of the board to receive instruction in one or more English-language instructional units operated by the other board or boards;
- (c) the calculated enrolment of resident pupils in respect of whom the agreement or agreements are entered into is less than 300 and is less than 10 per cent of the total calculated enrolment of resident pupils of the board; and
- (d) ten or more ratepayers apply in writing to the board for the establishment of the English-language advisory committee.

(3) Sections 260 to 273 apply with necessary modifications in respect of English-language advisory committees.

Application
of ss. 260
to 273

(4) In this section, “calculated enrolment”, “resident pupil” and “total calculated enrolment” have the same meanings as in Part XI-A.

Definitions

▼
(5) Clause (2) (c) does not apply until the 1st day of December, 1988.

Non-appli-
cation of
clause (2) (c)

9.—(1) Section 274 of the said Act is amended by striking out “In this Part” in the first line and inserting in lieu thereof “In this section and in sections 275 to 277b”.

(2) Clause 274 (b) of the said Act is amended by adding at the end thereof “and includes a French-language education council and an English-language education council under Part XI-B”.

10.—(1) Within two months after the date on which this section comes into force, every board that has a French-language advisory committee or an English-language advisory committee under Part XI of the *Education Act* and that is not required to establish a French-language education council or an English-language education council under Part XI-B shall establish by resolution a new French-language advisory committee or a new English-language advisory committee, as the case requires, in accordance with the *Education Act*, as amended by this Act, and when the new committee takes office, the previous committee is dissolved.

Transition

(2) In subsection (1),

Definitions

“board” has the same meaning as in Part XI-A of the *Education Act*, as enacted by section 11 of this Act;

“Part XI-B” means Part XI-B of the *Education Act*, as enacted by section 11 of this Act.

▼
(3) For the purposes of subsection (1), at least ten French-speaking ratepayers shall be deemed to have applied to the board for the establishment of the new French-language advisory committee.

Deemed
application

11. The said Act is amended by adding thereto the following Parts:

PART XI-A

GOVERNANCE OF FRENCH-LANGUAGE INSTRUCTION

Definitions

277c. In this Part,

↓
 “board” means,

- (a) a board of education, other than a board of education for an area municipality in The Municipality of Metropolitan Toronto, the members of which are elected under the *Municipal Elections Act*,
- (b) a county or district combined separate school board,
- (c) the Metropolitan Separate School Board, or
- (d) The Windsor Roman Catholic Separate School Board; ↑

R.S.O. 1980,
 c. 308

“calculated enrolment”, in relation to resident pupils of a board, means the number of French-language resident pupils or the number of resident pupils other than French-language resident pupils, as the case requires, calculated by the Ministry under this Part;

“estimated revenues” means revenues from all sources receivable by a board as set out in the estimates prepared and adopted by the board;

“French-language”, in relation to a resident pupil, means a resident pupil enrolled in a French-language instructional unit;

↓
 “French-language instructional unit” means a class, group of classes or school under Part XI in which French is the language of instruction but does not include a class, group of classes or school established under clause 8 (1) (y) (French-language instruction for English-speaking pupils); ↑

R.S.O. 1980, c. 308 “regular election” has the same meaning as in the *Municipal Elections Act*;

“resident pupil”, in respect of a board, means a pupil who is registered on a register or registers prescribed by the Minister for the purposes of this Part and who,

- (a) is qualified to be a resident pupil of the board and is enrolled in a school,

- (i) operated by the board, or
 - (ii) operated by another board to which the first-mentioned board pays fees in respect of the pupil, or
- (b) is not qualified by residence to be a resident pupil of a board but is enrolled in a school operated by the board,
- (i) pursuant to section 45, or
 - (ii) where fees are required to be paid by or on behalf of the pupil by or under this Act other than by another board, notwithstanding that the payment of all or a part of the fees is waived by the board that operates the school at which the pupil is enrolled;

“total calculated enrolment”, in relation to resident pupils of a board, means the total number of resident pupils of the board calculated by the Ministry under this Part.

277d.—(1) Every board that operates a French-language instructional unit shall have a French-language section of the board. French-language section

(2) Every board that enters or has entered into an agreement or agreements with another board or boards to enable a calculated enrolment of at least 300 resident pupils of the board to receive instruction in one or more French-language instructional units operated by the other board or boards shall have a French-language section of the board. 300 resident pupils

(3) Every board that enters or has entered into an agreement or agreements with another board or boards to enable a calculated enrolment of at least 10 per cent of the resident pupils of the board to receive instruction in one or more French-language instructional units operated by the other board or boards shall have a French-language section of the board. 10 per cent enrolment

(4) Subsections (1) to (3) apply only if the calculated enrolment of French-language resident pupils of the board is a minority of the total calculated enrolment of resident pupils of the board. Minority

(5) Subsections (1) to (3) apply only in respect of boards elected in and after the regular election in the year 1988. Application of subss. (1) to (3)

Exception

↓
(6) Notwithstanding any other provision of this Part, a French-language section of a board shall not be established if on the first day of the school year in which a regular election is to be held, the board is not operating a French-language instructional unit and it is not providing education for at least 285 of its resident pupils or at least 9.50 per cent of its resident pupils pursuant to an agreement as described in subsection (2) or (3).

Authority of French-language section

277e. The French-language section of a board shall govern for the board the French-language instructional units of the board. ▲

Number of members of French-language section

277f. The number of members of the French-language section of a board shall be determined according to the following rules, which shall be applied in order beginning with rule 1:

- ↓
1. The number of members of the French-language section shall bear the same ratio to the total number of elected members of the board that the calculated enrolment of French-language resident pupils of the board bears to the total calculated enrolment of resident pupils of the board.
 2. In rules 1 and 3, the “total number of elected members of the board” means the total number of members as determined under section 57 or 58 or subsection 59 (2), without regard to subsection 59 (4), (5) or (6), or subsection 113 (2), without regard to subsection 113 (4), or subsection 116 (2) or as determined by or under another Act, as may be appropriate.
 3. The total number of elected members of the board shall not be increased by the creation of the French-language section; the number of other members of the board shall be decreased by a number of members equal to the number of members of the French-language section. ▲
 4. If the number of members of the French-language section determined according to rule 1 is less than three, the French-language section shall be composed of three members.
 5. If rule 4 applies to determine the number of members of the French-language section, the total number of members of the board shall be increased by the number of members equal to the difference

between three members and the number of members of the French-language section determined according to rule 1.

6. The number of members of the French-language section determined according to rules 1 to 5 shall be corrected to the nearest integer, the fraction one-half being raised to the next higher integer.

277g. A person is qualified to be elected as a member of the French-language section of a board if,

Qualifications of members of French-language section

- (a) the person is qualified to be elected as a member of the board;
- (b) the person has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario; and
- (c) the person chooses to vote only for members of the French-language section of the board and not for any other member of the board.

277h.—(1) A person is qualified to be an elector in respect of a member of the French-language section of a board if,

Elector

- (a) the person is qualified to vote in a regular election of members of the board;
- (b) the person has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario; and
- (c) the person chooses to vote only for members of the French-language section of the board and not for any other member of the board.

(2) No person is entitled to vote in a regular election for both members of the French-language section of a board and other members of the board.

Idem

277i.—(1) The members of the French-language section of a board shall be elected in accordance with this section by

Election

the persons qualified to vote for members of the French-language section of the board.

General vote

(2) Subject to subsections (3) to (7), the members of the French-language section of a board shall be elected by general vote.

Vote by
electoral
areas

(3) For the purposes of electing the members of the French-language section of a board at the regular election to be held in 1988 and for filling vacancies before the 1st day of December, 1991, where a board has a French-language advisory committee or a French-language education council, the committee or the council, as the case may be, may divide the area of jurisdiction of the board into electoral areas and determine the representation for each electoral area.

Idem

(4) For a regular election to be held in 1991, or thereafter, where a board has a French-language section, the section may divide the area of jurisdiction of the board into electoral areas for the purposes of electing the members of the next section and for filling vacancies therein and determine the representation for each electoral area.

Public
meeting

(5) Before passing a resolution under subsection (3) or (4), the French-language advisory committee, French-language education council or French-language section of a board, as the case may be, shall hold at least one public meeting at which French-speaking ratepayers shall be given an opportunity to make representations on the proposed electoral areas.

Final
determination

(6) Following the public meeting or meetings held under subsection (5), the electoral areas may be fixed as originally proposed or with such amendments as the committee, council or section of a board, as the case may be, considers appropriate and without holding any further public meetings.

Idem

(7) Where electoral areas have been established for an election, the members of the French-language section shall be elected by general vote in each electoral area.

Idem

(8) A resolution to establish electoral areas is of no effect unless it is passed before the 1st day of August in the year of the regular election to which it relates and unless before that date a certified copy of the resolution is delivered to the clerks of the municipalities responsible for conducting the nominations of the other members of the board.

Boundaries

(9) The clerk of a municipality shall adjust a boundary of an electoral area so as to prevent the division of polling subdivisions established for the election.

(10) The election of members of a French-language section of a board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality.

Election
officers

(11) Where the area of jurisdiction of a board includes more than one municipality or includes territory without municipal organization, the nominations of the members of the French-language section of the board shall be conducted by the same municipal clerk as conducts the nominations for the other members of the board and the clerks of the municipalities shall perform the same function as returning officers as they do with respect to the election of the other members of the board.

Idem

(12) For the purpose of performing the function of returning officer, the secretary of the board shall be the clerk of each part of territory without municipal organization in the area of jurisdiction of the board that is deemed to be a district municipality for school purposes.

Idem

(13) A clerk described in subsection (8) shall provide to the clerks of the other municipalities, if any, in the area of jurisdiction of the board such information as is required by them to conduct the election of the members of the French-language section of the board.

Information

277j. Sections 183 and 184, except subsection 184 (11), apply with necessary modifications to a French-language section of a board.

Meetings,
etc.

277k.—(1) Where a board is required to have a French-language section and the areas to be represented by members of the board are fixed by or under this or any other Act, the Minister, after considering the recommendations, if any, of the board, may by order,

Areas of
representation

- (a) change the areas to be represented by one or more members of the board who are not members of the French-language section; and
- (b) prescribe a different method of determining the areas to be represented by one or more members of the board who are not members of the French-language section.

(2) A member of a French-language education council or a French-language section of a board shall not vote on any recommendations that the board proposes to make under subsection (1).

Limitation



Vacancy

277-1.—(1) If the office of a member of the French-language section of a board becomes vacant and the remaining members of the section constitute a majority of the members elected to the section, the remaining members of the section shall, at the first regular meeting of the section after the vacancy occurs, appoint to the office a person who is qualified to be elected as a member of the section.

Idem

(2) If the office of a member of the French-language section of a board becomes vacant and the remaining members of the section do not constitute a majority of the members elected to the section, a new election shall be held to fill the vacancy or vacancies.

Idem

(3) A member of the French-language section of a board appointed under subsection (1) or elected under subsection (2) shall hold office for the remainder of the term of office of the membership of the board.

Jurisdiction

277m.—(1) The following matters are within the exclusive jurisdiction of the French-language section of a board:

1. The planning and establishment of French-language instructional units, including the preparation and submission of capital expenditure forecasts in respect of such units to the board for submission to the Ministry.
2. The administration and the closing of French-language instructional units.
3. Admissions committees under subsection 258 (6a) and section 273.
4. The planning, establishment, implementation and maintenance of programs and courses for pupils enrolled in a French-language instructional unit.
5. The recruitment and assignment of teachers and administrative and supervisory personnel for French-language instructional units.
6. Entering into agreements under section 159 (provision of accommodation or services to another board), 161 (furnishing or obtaining education for pupils), 162 (public and separate school boards), 163 (furnishing or obtaining secondary school education for pupils) or 165a (adult basic education) in respect of pupils in French-language instructional units.

(2) The following matters are outside the jurisdiction of the French-language section of a board and its members: Excluded matters

1. The planning and establishment of schools that are not French-language instructional units, including the preparation and submission of capital expenditure forecasts to the board for submission to the Ministry in respect of such schools.
2. The administration and the closing of schools that are not French-language instructional units.
3. The planning, establishment, implementation and maintenance of programs and courses for pupils enrolled in a school or class that is not a French-language instructional unit.
4. The recruitment and assignment of teachers and administrative and supervisory personnel for schools and classes mentioned in paragraph 3.
5. Entering into agreements under section 159 (provision of accommodation or services to another board), 161 (furnishing or obtaining education for pupils), 162 (public and separate school boards), 163 (furnishing or obtaining secondary school education for pupils) or 165a (adult basic education) in respect of pupils in a school or class that is not under Part XI.

(3) In respect of any matter not referred to in subsection (1) or (2), including the employment of the director of education, a member of the French-language section of a board has the same powers, duties, rights and responsibilities as a member of the board who is not a member of the French-language section. Common jurisdiction

(4) The following rules apply with respect to quorums where a board has a French-language section: Quorum


1. The presence of a majority of all the members constituting the board is necessary to form a quorum when dealing with a matter that is not a matter to which paragraph 2 or 3 applies.
2. The presence of a majority of all the members of a French-language section of a board is necessary to form a quorum when dealing with matters within the exclusive jurisdiction of the French-language section of the board.

3. The presence of a majority of all members of a board who are not members of the French-language section of the board is necessary to form a quorum when dealing with matters outside the jurisdiction of the French-language section of the board.
4. Where the board is a board of education and the board, other than the French-language section, is composed, in part, of members who are elected by separate school electors, for the purposes of paragraph 3, when dealing with matters that affect public schools exclusively, the presence of a majority of the members elected to the board by the public school electors is necessary to form a quorum.
5. Subsection 184 (11) does not apply.

Change of
jurisdiction

(5) If a majority of the members of the French-language section of a board and a majority of the other members of the board each resolve that a matter that is a centralized service, as defined in subsection 277n (6), shall be within the exclusive jurisdiction of the French-language section of the board or outside the jurisdiction of the French-language section of the board and its members, subsections (1) and (2) shall be deemed to be modified accordingly in respect of the board, and the secretary of the board shall transmit to the Minister notice of the change of jurisdiction.

Reversion of
jurisdiction

(6) A resolution passed under subsection (5) shall cease to have effect at the end of the term of the members in office when the resolution was passed unless a majority of the members of the French-language section of the board and a majority of the other members of the board resolve that it shall cease to have effect at an earlier date. 

Application

277n.—(1) This section applies to every board that has a French-language section under this Part.

Idem

(2) This section applies in respect of the year 1989 and every subsequent year.

Allocation
of estimated
revenues

(3) After the estimates of the board in respect of a year are approved or adopted, as the case requires, the board shall allocate the amounts of its estimated revenues for the year as follows:

1. Firstly, to the specific educational programs or specific schools or classes that generated a portion of the estimated revenues, in amounts equal to the amounts generated.

2. Secondly, to the centralized services of the board, in amounts equal to the amounts set out for the centralized services in the estimates.
3. Thirdly, to all the schools and classes operated by the board.

(4) The board shall allocate the estimated revenues under paragraph 3 of subsection (3) to the schools and classes that are French-language instructional units in the ratio that the average daily enrolment in those schools and classes is to the average daily enrolment of the board in all schools and classes mentioned in the paragraph.

Schools
and
classes

(5) The board shall allocate the estimated revenues under paragraph 3 of subsection (3) to the balance of the schools and classes that are not French-language instructional units in the ratio that the average daily enrolment in those schools and classes is to the average daily enrolment of the board in all schools and classes mentioned in the paragraph.

Balance
of schools
and classes

(6) In this section, “centralized services” means,

Definition

- (a) salaries, benefits and professional development of employees but excluding employees whose recruitment and assignment is specified in this Part as either within the exclusive jurisdiction of the French-language section of the board or outside the jurisdiction of the French-language section of the board and its members;
- (b) normal maintenance of and operational services and equipment required for school sites;
- (c) school supplies other than instructional and learning materials;
- (d) transportation of pupils to and from school and from school to school;
- (e) allocation to reserve funds and the reserve for working funds;
- (f) establishment and maintenance of the head office of the board, including services operated therefrom;
- (g) permanent improvements other than the replacement for schools and classes of furniture, furnishings, library books and instructional equipment and apparatus; and

- (h) expenditures that are not within clauses (a) to (g) but that are approved from time to time by the board.

Duty of
board

277o.—(1) Every board shall ensure that the matters that are within the exclusive jurisdiction and the matters that are outside the jurisdiction of the French-language section of the board are provided for when the board prepares and adopts its estimates and when the board allocates its estimated revenues.

Variation

(2) Subject to subsection (1), a board may vary an allocation in order to accommodate a change in circumstances or assumptions upon which the estimates of the board were made.

Annual
filing by
boards

277p.—(1) Every board shall file annually with the Ministry a report in the prescribed form in respect of the enrolment of resident pupils of the board in schools and classes operated as French-language instructional units and in respect of the enrolment of resident pupils of the board in schools and classes not operated as French-language instructional units.

Counting
date

(2) Every board shall compile the data mentioned in subsection (1) as of the 30th day of September in each year, commencing as of the 30th day of September, 1986.

Calculations
by Ministry

277q.—(1) The Ministry shall calculate the calculated enrolment of French-language resident pupils, the calculated enrolment of resident pupils other than French-language resident pupils and the total calculated enrolment of resident pupils of each board.

Idem

(2) From the enrolments calculated under subsection (1), the Ministry shall calculate the number of members to be elected to the French-language section of each board in the next regular election.

Additional
factor in
calculations

(3) In order to allow for statistical inaccuracies, the Ministry shall calculate a calculated enrolment of French-language resident pupils,

- (a) that is not less than 9.50 per cent and not more than 10 per cent of the calculated enrolment of resident pupils of a board as 10 per cent of the calculated enrolment of resident pupils of the board; and
- (b) that is not less than 285 and not more than 300 resident pupils of the board as 300 resident pupils of the board.

(4) For the purposes of the regular election in the year 1988, the calculations under subsections (1) and (2) shall be based upon the enrolment of resident pupils of the board as of the 30th day of September, 1987.

Election
in 1988

(5) For the purposes of a regular election held after 1988, the calculations under subsections (1) and (2) shall be based upon the enrolment of resident pupils of the board as of the 30th day of September in the year immediately preceding the year in which the regular election is held.

Regular
elections

(6) Where members are to be elected to the French-language section of a board, the Minister, before the 1st day of July in the year in which the election is to be held,

Notice to
boards and
returning
officers

- (a) shall notify the board and the Commission of the results of the calculations under subsections (1) and (2);
- (b) shall notify the proper returning officer of the number of members to be elected to the French-language section of the board;
- (c) shall notify the appropriate assessment commissioners; and
- (d) shall give public notice that the board qualifies under this Part to have a French-language section and of the number of members to be elected to the French-language section of the board.

(7) A board or the Commission or a committee may appeal the accuracy of the calculations under subsections (1) and (2) to the Minister by application made not later than the 15th day of July in the year in which the election is to be held.

Application
to Minister

(8) The Minister shall appoint a person to hear and consider the matter and report to the Minister, and the Minister shall make such changes in the calculations as are recommended in the report.

Hearing and
decision

(9) The Minister,

Further
notice

- (a) shall notify the board of any changes in the results of the calculations;
- (b) shall notify the proper returning officer of any change in the number of members to be elected to the French-language section of the board;

- (c) shall notify the appropriate assessment commissioners; and
- (d) shall give public notice of any change in the qualification of the board to have a French-language section or in the number of members of the French-language section of the board,

consequent upon the report to the Minister.

Definitions

(10) In this section, "Commission" and "committee" have the same meanings as in section 274.



Liaison
committee

277r.—(1) Any two or more committees established by boards under Part XI or French-language sections of boards, or any combination of such committees and French-language sections, may establish a liaison committee which shall be known as a regional committee for French-language education.

Function

(2) A regional committee for French-language education may consider and make recommendations to the French-language section of a board or to the committee established by a board under Part XI on any matter that affects French-language education.

Notice to
Minister

277s.—(1) If before the 30th day of June in any year the French-language section becomes aware that on the first day of the following school year it will not be operating a French-language instructional unit and it will not be providing education for at least 285 resident pupils of the board or at least 9.50 per cent of the resident pupils of the board pursuant to an agreement as described in subsection 277d (2) or (3), the French-language section shall forthwith notify, in writing, the full board of such fact and the board shall forthwith notify, in writing, the Minister.

Dissolution

(2) Unless the notice to the Minister under subsection (1) is revoked, the French-language section of a board in respect of which a notice is required to be given to the Minister is dissolved on the 1st day of December next following the time at which the notice was required to be given and the members shall cease to hold office on that date.

Revocation
of notice

(3) A board may revoke a notice given under subsection (1) at any time before the dissolution of the French-language section of the board if after the 1st day of September in the year in which the notice was given, the board has any French-language instructional units or it provides education to resi-

dent pupils as described in subsection (1) and the revocation shall be by notice, in writing, delivered to the Minister.

(4) Where a French-language section of a board is dissolved, at least ten French-speaking ratepayers, within the meaning of Part XI of the Act, shall be deemed to have applied to the board on the day of the dissolution for the establishment of a French-language advisory committee. ➡

Deemed
application

277t.—(1) There shall be an English-language section of a board and this Part shall apply with necessary modifications in respect of the board and in respect of the English-language section of the board if the calculated enrolment of English-language resident pupils of the board is a minority of the total calculated enrolment of the resident pupils of the board and,

English as
language of
instruction

- (a) the board operates an English-language instructional unit under Part XI;
- (b) the board enters or has entered into an agreement or agreements with another board or boards to enable a calculated enrolment of at least 300 resident pupils of the board to receive instruction in one or more English-language instructional units operated by the other board or boards;
- (c) the board enters or has entered into an agreement or agreements with another board or boards to enable a calculated enrolment of at least 10 per cent of the resident pupils of the board to receive instruction in one or more English-language instructional units operated by the other board or boards.




(2) For the purposes of subsection (1),

Interpretation

- (a) a reference in this Part to French, other than in this subsection and subsection (3), shall be deemed to be a reference to English;
- (b) a reference in this Part, other than in subsection (3), to French language shall be deemed to be a reference to English language; and
- (c) a reference in this Part, other than in subsection (3), to a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario shall be deemed to be a reference to a

person who does not have that right and to be a reference to a person who has but elects not to exercise that right.

French as majority

(3) Where a board has an English-language section, the other members of the board must have the qualifications to be elected as a member of a French-language section of a board as described in section 277g and an elector of such other members must have the qualifications to be an elector in respect of a French-language section of a board as described in section 277h. 

Forms

277u.—(1) The Minister may prescribe the form of the report under subsection 277p (1) and require its use for the purposes of this Part.

Application of R.S.O. 1980, c. 446

(2) An act of the Minister under subsection (1) is not a regulation within the meaning of the *Regulations Act*.

PART XI-B

INTERIM GOVERNANCE OF FRENCH-LANGUAGE INSTRUCTION


Definitions

277v. In this Part, “board”, “calculated enrolment”, “French-language”, in relation to a resident pupil, “French-language instructional unit”, “resident pupil” and “total calculated enrolment” have the same meanings as in Part XI-A.

French-language education council


277w.—(1) Every board that on the first school day in September, 1986, operates a French-language instructional unit shall have a French-language education council if the calculated enrolment of French-language resident pupils of the board is a minority of the total calculated enrolment of resident pupils of the board.

Authority of council

(2) The French-language education council of a board shall govern for the board the French-language instructional units of the board. 

Number of members of French-language education council

277x.—(1) The number of members of the French-language education council of a board shall be determined according to the following rules, which shall be applied in order beginning with rule 1:

1. The number of members of the French-language education council shall bear the same ratio to the total number of elected members of the board that the calculated enrolment of French-language resident pupils of the board bears to the total calculated enrolment of resident pupils of the board. 

2. The French-language education council shall be composed of those members of the board who are eligible to be members of and who elect in writing to sit as members of the French-language education council.
3. All of the members of the board who are eligible to be and who elect in writing to sit as members of the French-language education council are entitled to do so even if the number of such members is greater than the number of members determined according to rule 1.
4. If the number of eligible members of the board who elect in writing to be members of the French-language education council is less than the number of members determined according to rule 1 or if there are no such eligible members, the additional membership or the membership, as the case may be, of the French-language education council shall be made up by members elected in accordance with subsection (6).
5. If the number of members of the French-language education council determined according to rule 1 is less than three, it shall be composed of three members or such greater number as have elected to be members under rule 2.
6. Where the number of members of the French-language education council determined according to rule 1 is less than three and the number of members who elect to be members under rule 2 is less than three, the total number of members of the board shall be increased by the difference between three members and the number of members who elect to be members under rule 2 and the additional members shall be members of the French-language education council and shall be elected in accordance with subsection (6).
7. The number of members of the French-language education council determined according to these rules shall be corrected to the nearest integer, the fraction one-half being raised to the next higher integer.

(2) If a board is required to have a French-language education council, every member of the board who has the right under subsection 23 (1) or (2), without regard to subsection

Qualified
members of
board

23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario is eligible to be a member of the French-language education council.

Qualifications for election

(3) A person is qualified to be elected as a member of the French-language education council if,

- (a) the person is eligible to be elected as a member of the board; and
- (b) the person has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario.



Calculations

(4) For the purpose of this Part, the calculated enrolment of French-language resident pupils of the board and the total calculated enrolment of resident pupils of the board are the numbers determined in accordance with subsections 277q (1) and (3), using data compiled as of the 30th day of September, 1985, as required by the Ministry before the coming into force of this section.

Idem

(5) From the enrolments calculated under subsection (4), the Ministry shall calculate the number of members of the French-language education council of each board.

Meeting to elect council members

(6) A board that is required to have a French-language education council shall, if necessary, make provision for a meeting of its French-speaking ratepayers, as defined in section 257a, for the purpose of electing by general vote members of the council who shall be members of the board.

Idem

(7) A board shall advertise in each of its schools and in the public media serving the local population, the place, date and time of a meeting under subsection (6) and take such additional action to publicize the meeting as it considers expedient and section 264 applies with necessary modifications to the election.

Time limit

(8) An election under rule 2 of subsection (1) must be delivered to the secretary of the board within fourteen days of the day this section comes into force.

Idem

(9) Where after the expiry of the fourteen-day period referred to in subsection (8), an election is required under sub-

section (6), the election shall be held within thirty days of the coming into force of this section.

(10) Where following an election under subsection (6), there are fewer than three members on the French-language education council of a board, the Minister, by order, shall appoint such number of qualified persons as members of the council as are necessary to provide for three members on the council.

Appoint-
ments to
council by
Minister

(11) If a board is required to have a French-language education council and the board has a French-language advisory committee under Part XI, the French-language advisory committee is dissolved on the day the council is constituted.

Dissolution
of advisory
committee

277y.—(1) A French-language education council shall be deemed to be constituted on the 1st day of December, 1986 and it shall hold its first meeting not later than the 7th day of December, 1986.

When council
constituted

(2) Section 183 and subsections 265 (1), (3) and (4) apply with necessary modifications to a French-language education council.

Open
meetings,
etc.

(3) If the office of a member of the French-language education council becomes vacant and the remaining members of the council constitute a majority of the council's members, the remaining members shall, at the first regular council meeting after the vacancy occurs, appoint to the office a person who is eligible to be a council member.

Vacancies in
council

(4) If the office of a member of the French-language education council becomes vacant and the remaining members of the council do not constitute a majority of the council's members, a new election shall be held under subsection 277x (6) to fill the vacancy or vacancies.

Idem


277z.—(1) Sections 277m, 277o, 277r and 277s apply with necessary modifications where a board has a French-language education council as if a reference therein to a French-language section were a reference to a French-language education council.

Miscellaneous

(2) Notwithstanding subsection 277s (2), a person who elected under rule 2 of subsection 277x (1) to be a member of a French-language education council of a board shall remain as a member of the board if the council is dissolved before the 1st day of December, 1988.

Idem

Estimates,
etc.

(3) Notwithstanding subsection 277n (2), section 277n applies to a board that has a French-language education council in respect of the years 1987 and 1988. 

English as
language of
instruction

277za.—(1) There shall be an English-language education council of a board and this Part shall apply with necessary modifications in respect of the board and in respect of the English-language education council of the board if the calculated enrolment of English-language resident pupils of the board is a minority of the total calculated enrolment of the resident pupils of the board and the board operates an English-language instructional unit under Part XI.

Interpretation

(2) For the purposes of subsection (1),

- (a) a reference in this Part to French, other than in this subsection, shall be deemed to be a reference to English;
- (b) a reference in this Part to French language shall be deemed to be a reference to English language; and
- (c) a reference in this Part to a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario shall be deemed to be a reference to a person who does not have that right and to be a reference to a person who has but elects not to exercise that right.

12.—(1) Section 19 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (f) who is a separate school elector or a public school elector, that the elector has chosen to vote to elect members of the French-language section, or the English-language section, of a board under Part XI-A of the *Education Act*.

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c. 129

(2) Subsection 49 (1) of the said Act is amended by adding thereto the following paragraph:

- 6a. Where the election is to the French-language section, or the English-language section, of a board under Part XI-A of the *Education Act*, an elector is entitled to as many votes as there are members of the French-language section or the English-language

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c. 129

section, as the case may be, of the board but may not give more than one vote to any one candidate.



13.—(1) Subsection 116 (1) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1983, chapter 9, section 1 and 1984, chapter 18, section 9, is further amended by relettering clause (ba) as clause (bb), by relettering clauses (bb) and (bc) as clauses (bd) and (be) respectively and by adding thereto the following clauses:

(ba) “Council” means the council established by section 120b;

.

(bc) “French-speaking ratepayer” means a person who is entitled to vote at an election of members of a board of education and who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario.

(2) The said Act is amended by adding thereto the following sections:

120a.—(1) Within two months after the date this section comes into force, the boards of education that have a French-language advisory committee under Part XI of the *Education Act* shall establish by resolution a new French-language advisory committee in accordance with the *Education Act* and when the new committee takes office the previous committee is dissolved.

New French-language advisory committees
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(2) Subsection (1) applies notwithstanding that the board of education operates a French-language instructional unit.

Idem

(3) For the purposes of subsection (1), at least ten French-speaking ratepayers shall be deemed to have applied to the board of education for the establishment of the new French-language advisory committee.

Deemed application

(4) This section is repealed on the 1st day of December, 1988.

Repeal

120b.—(1) There is established on the 1st day of December, 1988, a council to be known in French as “Le conseil des écoles françaises de la communauté urbaine de Toronto” and

Council established

in English as "The Metropolitan Toronto French-Language School Council".

Duty of
Council

R.S.O. 1980,
c. 129

(2) Subject to section 120f, beginning on the 1st day of January, 1989, the Council shall operate all French-language instructional units under Part XI of the *Education Act* in the Metropolitan Area other than those operated by the Metropolitan Separate School Board.

Body
corporate,
composition

(3) The Council is a body corporate and shall be composed of nine members.

Designation

(4) The Council may be legally designated by either or both versions of its name.

Election of
members

(5) Beginning with the regular election in 1988, the members of the Council shall be elected at the same time and for the same term of office as the boards of education and, subject to this Part, shall be elected in the same manner as members of a board of education.

Electoral
areas

(6) For the purpose of electing members to the Council, the Metropolitan Area is divided into the four electoral areas named in column 1 of the following table and each electoral area shall be represented on the Council by the number of members set out opposite thereto in column 2:

Table

Column 1	Column 2
Electoral Area	Number of members
1. the City of Toronto	3
2. the City of North York	3
3. the City of Scarborough and the Borough of East York	2
4. the Cities of Etobicoke and York	1

Idem

(7) The members of the Council to be elected in an electoral area shall be elected by general vote in the electoral area.

Qualification
of members
of Council

(8) A person is qualified to be elected as a member of the Council if,

(a) the person is qualified to be elected as a member of the board of education for the area municipality in which the person resides;

(b) the person is a French-speaking ratepayer; and

- (c) the person chooses to vote only for members of the Council and not for a member of the board of education for the area municipality in which the person resides.

(9) A person is qualified to be an elector in respect of a member of the Council if, Electors

- (a) the person is qualified to vote in a regular election of members of the board of education for the area municipality in which the person resides;
- (b) the person is a French-speaking ratepayer; and
- (c) the person chooses to vote only for members of the Council and not for a member of the board of education for the area municipality in which the person resides.

(10) No person is entitled to vote in a regular election for both members of the Council and members of the board of education for the area municipality in which the person resides. Idem

(11) The election of members of the Council for an electoral area shall be conducted by the same officers and in the same manner as elections of members of the boards of education in the same electoral area except that in the case of an election in the electoral area of the City of Scarborough and the Borough of East York and the electoral area of the Cities of Etobicoke and York, Election officers

- (a) the nominations in each case shall be submitted to the returning officer of the area municipality in the electoral area having the greatest equalized residential and farm assessment for public school purposes, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and
- (b) the clerk of each area municipality shall be the returning officer for the vote to be recorded in the clerk's area municipality and the clerk shall report forthwith the vote recorded to the returning officer referred to in clause (a), who shall prepare the final summary and announce the result of the vote.

Definition (12) For the purposes of subsection (11), “equalized residential and farm assessment” shall have the same meaning as in clause 59 (1) (a) of the *Education Act*.

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Deemed
board of
education

120c.—(1) Except as provided in this Part, the Council, for the purposes of every Act, shall be deemed to be a board of education in the Metropolitan Area.

Allowances
for members

(2) The Council may set and pay allowances to its members for the term of office that expires the 1st day of December, 1991 despite subsection 167 (1a) of the *Education Act*.

Assumption
of existing
programs

120d.—(1) The Council shall assume, on the 1st day of January, 1989, the operation of all schools and classes established before that day by the boards of education under Part XI of the *Education Act* in which French is the language of instruction.

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c. 129

Possession of
facilities

(2) Subject to subsection (3), possession of the facilities used in relation to schools and classes described in subsection (1) vests in the Council on the 1st day of January, 1989 at such rent as the board of education concerned and the Council may agree and the board of education concerned and the Council shall agree upon the allocation and disposition, without compensation, of all other property situate upon or used in connection with the facilities.

Ownership of
school sites

(3) Where possession of all of the lands and premises used as a school site vests in the Council under subsection (2), the ownership of the lands and premises vests in the Council at the same time, without compensation, but subject to all existing debts, contracts, agreements and liabilities of the board of education that pertain to such school site.

Dispute

(4) Any dispute as to possession of any facilities or the allocation or disposition of property under subsection (2) or the transfer of ownership under subsection (3) may be referred by the Council and the board of education, or either of them, to the Ontario Municipal Board, which shall determine the matters in dispute, and its decision is final.

Transfer of
employees

(5) On the 1st day of January, 1989, the employment contract of every employee of a board of education who was employed immediately before the coming into force of this section in a school or class established under Part XI of the *Education Act* is vested in and becomes an obligation of the Council.

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120e. Beginning on the 1st day of January, 1989, no board of education shall operate a school or class under Part XI of the *Education Act*. Prohibition

120f. Notwithstanding subsection 120b (2), the School Board shall continue to operate schools and classes for trainable retarded pupils in the Metropolitan Area in which French is the language of instruction and the Council shall not operate such schools or classes. Exception

120g. A person who is qualified to be a resident pupil in respect of a board of education in the Metropolitan Area and exercises his or her right under subsection 258 (2) or 261 (1) of the *Education Act* is also qualified to be a resident pupil of the Council. Resident pupils of Council

120h. Subsections 127 (4) to (6b), section 130j, clause 133 (1) (e) and subsections 133 (4) to (6) do not apply in respect of the Council. Non-application

120i. In December, 1988 and in 1989, the Council may borrow from the School Board, notwithstanding that the estimates have not been approved by the School Board. Interim financing, 1988, 1989

(3) Subsection 121 (2) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 18, section 11, is amended by inserting after "Area" in the third line "and the chairman of the Council".

(4) Subsection 121 (3) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 9, section 3 and 1984, chapter 18, section 11, is repealed and the following substituted therefor:

(3) The Board of Education for the Borough of East York, The Board of Education for the City of Etobicoke, The Board of Education for the City of York and the Council may each appoint one of its members as an alternate member of the School Board, and such alternate member may attend the meetings of the School Board and of its committees, but shall not vote in the meetings of the School Board or of its committees except in the absence of the chairman of the board of education or of the Council, as the case may be, to which such member belongs or of the member appointed in place of the chairman under subsection (6). Alternate members

14. Part XI-B, as enacted by section 11 of this Act, is repealed on the 1st day of December, 1988. Repeal

Commence-
ment



15.—(1) This Act, except subsections 13 (3) and (4), comes into force on the 1st day of October, 1986.

Idem

(2) Subsections 13 (3) and (4) come into force on the 1st day of December, 1988.



Short title

16. The short title of this Act is the *Education Amendment Act, 1986*.

A20N
B
B 56

Bill 75

*(Chapter 29
Statutes of Ontario, 1986)*

An Act to amend the Education Act and the Municipality of Metropolitan Toronto Act

The Hon. S. Conway
Minister of Education



<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	April 22nd, 1986
<i>3rd Reading</i>	July 10th, 1986
<i>Royal Assent</i>	July 10th, 1986

Bill 75

1986

An Act to amend the Education Act and the Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part XI of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 32, sections 62 to 67 and 1984, chapter 60, sections 17 to 25, is further amended by adding thereto the following section:

257a. In this Part,

Definitions

“board” means,

- (a) a board of education the members of which are elected under the *Municipal Elections Act*,
- (b) a county or district combined separate school board,
- (c) the Metropolitan Separate School Board, or
- (d) The Windsor Roman Catholic Separate School Board,

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and includes,

- (e) for the purposes of section 258, a district school area board, a protestant separate school board, a rural separate school board and a combined separate school board,
- (f) for the purposes of section 261, a secondary school board and a board of education formed under section 69, and

(g) for the purposes of sections 274 to 277b, a board described in clause (e) or (f);

“committee”, except in sections 274 to 277b, means a French-language advisory committee formed under section 262;

“French-language instructional unit” means a class, group of classes or school in which French is the language of instruction but does not include a class, group of classes or school established under clause 8 (1) (y) (French-language instruction for English-speaking pupils);

“French-speaking person” means a child of a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario;

“French-speaking ratepayer” means a person who is entitled to vote at an election of members of the board and who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario.

2. Subsection 258 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 60, section 17, is repealed.

3. Section 259 of the said Act is repealed and the following substituted therefor:

Duties and responsibilities of advisory committee in elementary schools

259. Where a board has established a French-language advisory committee under section 262, or an English-language advisory committee under section 272, the committee has the same duties and responsibilities in respect of the French-language schools and classes or English-language schools and classes, as the case may be, that are provided in the elementary schools operated by the board as it has in respect of French-language instructional units or English-language schools and classes, as the case may be, for secondary school purposes.

4. Section 260 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 60, section 18, is repealed.

5.—(1) Subsections 262 (1), (2) and (3), subsection 262 (3a), as enacted by the Statutes of Ontario, 1982, chapter 32, section 63, subsection 262 (4), as amended by the Statutes of Ontario,

1982, chapter 32, section 63, and subsection 262 (5) of the said Act are repealed and the following substituted therefor:

(1) A board by resolution shall establish a French-language advisory committee and provide for the holding of elections of members of the committee if, French-language advisory committee

- (a) the board does not operate a French-language instructional unit;
- (b) the board enters or has entered into an agreement or agreements with another board or boards to enable one or more resident pupils of the board to receive instruction in one or more French-language instructional units operated by the other board or boards;
- (c) the calculated enrolment of resident pupils in respect of whom the agreement or agreements are entered into is less than 300 and is less than 10 per cent of the total calculated enrolment of resident pupils of the board; and
- (d) ten or more French-speaking ratepayers apply in writing to the board for the establishment of the French-language advisory committee.

(1a) In this section, “calculated enrolment”, “resident pupil” and “total calculated enrolment” have the same meaning as in Part XI-A. Definitions

(1b) Clause (1) (c) does not apply until the 1st day of December, 1988. Non-application of cl. (1) (c)

(1c) The board shall pass the resolution and the elections shall be held within two months after receiving the application. Resolution

(1d) The committee shall consist of, Composition of committee

- (a) not more than three persons appointed by the board from among the members of the board; and
- (b) six French-speaking ratepayers who are not members of the board but have the qualifications to be elected to the board, elected by French-speaking ratepayers.

- Qualifications (1e) A person is qualified to be appointed or elected to the committee if the person is a French-speaking ratepayer and is qualified to be elected to the board.
- Disqualification (1f) A person who ceases to be qualified to be elected to a board is not qualified to act as a member of a committee.
- Committee of less than nine members (2) A committee may meet and conduct business notwithstanding that fewer than three persons are appointed to it under clause (1d) (a) or that fewer than six persons are elected to it under clause (1d) (b).
- Application of s. 206 (3) Section 206 applies with necessary modifications to a member of a committee under clause (1d) (b).
- Term of office (4) A member of a committee shall hold office during the term of the members of the board and until a new board is organized and a successor is appointed or elected, as the case may be.
- Apportionment of members (5) The board, subject to subsections (8) and (9), shall apportion the number of members under clause (1d) (b) among the municipalities and the localities, or among parts or groups of such municipalities or localities, within the jurisdiction of the board as nearly as is practicable in the proportion that the number of French-speaking persons who elect to receive their education in a French-language instructional unit from each such municipality, locality or part or group thereof bears to the total number of such pupils within the area of jurisdiction of the board.
- (2) Section 262 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 63, is further amended by adding thereto the following subsections:
- Idem (9) Where a board has a committee that was established before the coming into force of this section and the board is required to establish a new committee under subsection (2), the board, for the purpose of making the first apportionments under subsection (5) for the new committee, shall consult with the existing committee before making the apportionment.
- Dissolution (10) A committee is dissolved on the 1st day of December in a year, if no resident pupil of the board has received instruction in a French-language instructional unit operated by another board at some time in October or November of that year pursuant to an agreement described in clause (1) (b).

6. Subsection 266 (1) of the said Act is amended by inserting after “board” in the second line “from among the members of the board”.

7. Section 268 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 60, section 20, is further amended by renumbering subsection (1) as subsection (1c) and by adding thereto the following subsections:

- (1) The chairman of the committee has the right,

Attendance of committee chairman at board meetings

(a) to attend meetings of the board in the same manner as a member of the board; and

(b) to participate in the discussion at a meeting of the board in respect of any matter that is within the jurisdiction of the committee under subsection 267 (1).
- (1a) The chairman of the committee has the right to present recommendations of the committee to the board and to speak to the recommendations.

Presentation of recommendations
- (1b) The chairman of the committee may designate a member of the committee to act in the place of the chairman at any meeting of the board.

Designation of member by chairman
-
- (1d) The chairman of the committee or a member of the committee designated by the chairman of the committee to attend a meeting of the committee of the whole board is subject to the same rule of confidentiality that applies to members of the board.

Confidentiality
-
- (5) Every person elected to a committee, on or before the day of the first meeting of the committee that he or she attends, shall make and subscribe a declaration in the same form with necessary modifications as subsections 185 (1) and (2) require of a person elected to a board and, for the purpose,

Declaration

(a) a reference to a person elected to a board shall be deemed to be a reference to a person elected to a committee;

- (b) a reference to a person elected to fill a vacancy on a board shall be deemed to be a reference to a person elected to fill a vacancy on a committee;
- (c) a reference to a meeting shall be deemed to be a reference to a meeting of the committee or, if the person is a member of the committee designated by the chairman to attend a meeting of the board, a meeting of the committee or of the board; and
- (d) a reference to the office of trustee shall be deemed to be a reference to the office of member of the committee.

Resignation

(6) A member of a committee who fails to comply with subsection (5) shall be deemed to have resigned from the committee.

Filing

(7) A member of a committee shall file his or her declaration with the secretary of the board within eight days after making and subscribing the declaration.

8. Subsection 272 (2) of the said Act is repealed and the following substituted therefor:

English-language advisory committee

(2) A board by resolution shall establish an English-language advisory committee and provide for the holding of elections of members of the committee if,

- (a) the board does not operate an English-language instructional unit;
- (b) the board enters or has entered into an agreement or agreements with another board or boards to enable one or more resident pupils of the board to receive instruction in one or more English-language instructional units operated by the other board or boards;
- (c) the calculated enrolment of resident pupils in respect of whom the agreement or agreements are entered into is less than 300 and is less than 10 per cent of the total calculated enrolment of resident pupils of the board; and
- (d) ten or more ratepayers apply in writing to the board for the establishment of the English-language advisory committee.

(3) Sections 260 to 273 apply with necessary modifications in respect of English-language advisory committees. Application of ss. 260 to 273

(4) In this section, “calculated enrolment”, “resident pupil” and “total calculated enrolment” have the same meanings as in Part XI-A. Definitions

(5) Clause (2) (c) does not apply until the 1st day of December, 1988. Non-application of clause (2) (c)

9.—(1) Section 274 of the said Act is amended by striking out “In this Part” in the first line and inserting in lieu thereof “In this section and in sections 275 to 277b”.

(2) Clause 274 (b) of the said Act is amended by adding at the end thereof “and includes a French-language education council and an English-language education council under Part XI-B”.

10.—(1) Within two months after the date on which this section comes into force, every board that has a French-language advisory committee or an English-language advisory committee under Part XI of the *Education Act* and that is not required to establish a French-language education council or an English-language education council under Part XI-B shall establish by resolution a new French-language advisory committee or a new English-language advisory committee, as the case requires, in accordance with the *Education Act*, as amended by this Act, and when the new committee takes office, the previous committee is dissolved. Transition

(2) In subsection (1),

Definitions

“board” has the same meaning as in Part XI-A of the *Education Act*, as enacted by section 11 of this Act;

“Part XI-B” means Part XI-B of the *Education Act*, as enacted by section 11 of this Act.

(3) For the purposes of subsection (1), at least ten French-speaking ratepayers shall be deemed to have applied to the board for the establishment of the new French-language advisory committee. Deemed application

11. The said Act is amended by adding thereto the following Parts:

PART XI-A

GOVERNANCE OF FRENCH-LANGUAGE INSTRUCTION

Definitions

277c. In this Part,

“board” means,

- (a) a board of education, other than a board of education for an area municipality in The Municipality of Metropolitan Toronto, the members of which are elected under the *Municipal Elections Act*,
- (b) a county or district combined separate school board,
- (c) the Metropolitan Separate School Board, or
- (d) The Windsor Roman Catholic Separate School Board;

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“calculated enrolment”, in relation to resident pupils of a board, means the number of French-language resident pupils or the number of resident pupils other than French-language resident pupils, as the case requires, calculated by the Ministry under this Part;

“estimated revenues” means revenues from all sources receivable by a board as set out in the estimates prepared and adopted by the board;

“French-language”, in relation to a resident pupil, means a resident pupil enrolled in a French-language instructional unit;

“French-language instructional unit” means a class, group of classes or school under Part XI in which French is the language of instruction but does not include a class, group of classes or school established under clause 8 (1) (y) (French-language instruction for English-speaking pupils);

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“regular election” has the same meaning as in the *Municipal Elections Act*;

“resident pupil”, in respect of a board, means a pupil who is registered on a register or registers prescribed by the Minister for the purposes of this Part and who,

- (a) is qualified to be a resident pupil of the board and is enrolled in a school,

- (i) operated by the board, or
 - (ii) operated by another board to which the first-mentioned board pays fees in respect of the pupil, or
- (b) is not qualified by residence to be a resident pupil of a board but is enrolled in a school operated by the board,
- (i) pursuant to section 45, or
 - (ii) where fees are required to be paid by or on behalf of the pupil by or under this Act other than by another board, notwithstanding that the payment of all or a part of the fees is waived by the board that operates the school at which the pupil is enrolled;

“total calculated enrolment”, in relation to resident pupils of a board, means the total number of resident pupils of the board calculated by the Ministry under this Part.

277d.—(1) Every board that operates a French-language instructional unit shall have a French-language section of the board. French-language section

(2) Every board that enters or has entered into an agreement or agreements with another board or boards to enable a calculated enrolment of at least 300 resident pupils of the board to receive instruction in one or more French-language instructional units operated by the other board or boards shall have a French-language section of the board. 300 resident pupils

(3) Every board that enters or has entered into an agreement or agreements with another board or boards to enable a calculated enrolment of at least 10 per cent of the resident pupils of the board to receive instruction in one or more French-language instructional units operated by the other board or boards shall have a French-language section of the board. 10 per cent enrolment

(4) Subsections (1) to (3) apply only if the calculated enrolment of French-language resident pupils of the board is a minority of the total calculated enrolment of resident pupils of the board. Minority

(5) Subsections (1) to (3) apply only in respect of boards elected in and after the regular election in the year 1988. Application of subss. (1) to (3)

Exception

(6) Notwithstanding any other provision of this Part, a French-language section of a board shall not be established if on the first day of the school year in which a regular election is to be held, the board is not operating a French-language instructional unit and it is not providing education for at least 285 of its resident pupils or at least 9.50 per cent of its resident pupils pursuant to an agreement as described in subsection (2) or (3).

Authority of French-language section

277e. The French-language section of a board shall govern for the board the French-language instructional units of the board.

Number of members of French-language section

277f. The number of members of the French-language section of a board shall be determined according to the following rules, which shall be applied in order beginning with rule 1:

1. The number of members of the French-language section shall bear the same ratio to the total number of elected members of the board that the calculated enrolment of French-language resident pupils of the board bears to the total calculated enrolment of resident pupils of the board.
2. In rules 1 and 3, the “total number of elected members of the board” means the total number of members as determined under section 57 or 58 or subsection 59 (2), without regard to subsection 59 (4), (5) or (6), or subsection 113 (2), without regard to subsection 113 (4), or subsection 116 (2) or as determined by or under another Act, as may be appropriate.
3. The total number of elected members of the board shall not be increased by the creation of the French-language section; the number of other members of the board shall be decreased by a number of members equal to the number of members of the French-language section.
4. If the number of members of the French-language section determined according to rule 1 is less than three, the French-language section shall be composed of three members.
5. If rule 4 applies to determine the number of members of the French-language section, the total number of members of the board shall be increased by the number of members equal to the difference

between three members and the number of members of the French-language section determined according to rule 1.

6. The number of members of the French-language section determined according to rules 1 to 5 shall be corrected to the nearest integer, the fraction one-half being raised to the next higher integer.

277g. A person is qualified to be elected as a member of the French-language section of a board if,

Qualifications of members of French-language section

- (a) the person is qualified to be elected as a member of the board;
- (b) the person has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario; and
- (c) the person chooses to vote only for members of the French-language section of the board and not for any other member of the board.

277h.—(1) A person is qualified to be an elector in respect of a member of the French-language section of a board if,

Elector

- (a) the person is qualified to vote in a regular election of members of the board;
- (b) the person has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario; and
- (c) the person chooses to vote only for members of the French-language section of the board and not for any other member of the board.

(2) No person is entitled to vote in a regular election for both members of the French-language section of a board and other members of the board.

Idem

277i.—(1) The members of the French-language section of a board shall be elected in accordance with this section by

Election

the persons qualified to vote for members of the French-language section of the board.

General vote

(2) Subject to subsections (3) to (7), the members of the French-language section of a board shall be elected by general vote.

Vote by
electoral
areas

(3) For the purposes of electing the members of the French-language section of a board at the regular election to be held in 1988 and for filling vacancies before the 1st day of December, 1991, where a board has a French-language advisory committee or a French-language education council, the committee or the council, as the case may be, may divide the area of jurisdiction of the board into electoral areas and determine the representation for each electoral area.

Idem

(4) For a regular election to be held in 1991, or thereafter, where a board has a French-language section, the section may divide the area of jurisdiction of the board into electoral areas for the purposes of electing the members of the next section and for filling vacancies therein and determine the representation for each electoral area.

Public
meeting

(5) Before passing a resolution under subsection (3) or (4), the French-language advisory committee, French-language education council or French-language section of a board, as the case may be, shall hold at least one public meeting at which French-speaking ratepayers shall be given an opportunity to make representations on the proposed electoral areas.

Final
determination

(6) Following the public meeting or meetings held under subsection (5), the electoral areas may be fixed as originally proposed or with such amendments as the committee, council or section of a board, as the case may be, considers appropriate and without holding any further public meetings.

Idem

(7) Where electoral areas have been established for an election, the members of the French-language section shall be elected by general vote in each electoral area.

Idem

(8) A resolution to establish electoral areas is of no effect unless it is passed before the 1st day of August in the year of the regular election to which it relates and unless before that date a certified copy of the resolution is delivered to the clerks of the municipalities responsible for conducting the nominations of the other members of the board.

Boundaries

(9) The clerk of a municipality shall adjust a boundary of an electoral area so as to prevent the division of polling subdivisions established for the election.

(10) The election of members of a French-language section of a board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality.

Election
officers

(11) Where the area of jurisdiction of a board includes more than one municipality or includes territory without municipal organization, the nominations of the members of the French-language section of the board shall be conducted by the same municipal clerk as conducts the nominations for the other members of the board and the clerks of the municipalities shall perform the same function as returning officers as they do with respect to the election of the other members of the board.

Idem

(12) For the purpose of performing the function of returning officer, the secretary of the board shall be the clerk of each part of territory without municipal organization in the area of jurisdiction of the board that is deemed to be a district municipality for school purposes.

Idem

(13) A clerk described in subsection (8) shall provide to the clerks of the other municipalities, if any, in the area of jurisdiction of the board such information as is required by them to conduct the election of the members of the French-language section of the board.

Information

277j. Sections 183 and 184, except subsection 184 (11), apply with necessary modifications to a French-language section of a board.

Meetings,
etc.

277k.—(1) Where a board is required to have a French-language section and the areas to be represented by members of the board are fixed by or under this or any other Act, the Minister, after considering the recommendations, if any, of the board, may by order,

Areas of
representation

- (a) change the areas to be represented by one or more members of the board who are not members of the French-language section; and
- (b) prescribe a different method of determining the areas to be represented by one or more members of the board who are not members of the French-language section.

(2) A member of a French-language education council or a French-language section of a board shall not vote on any recommendations that the board proposes to make under subsection (1).

Limitation

Vacancy

277-l.—(1) If the office of a member of the French-language section of a board becomes vacant and the remaining members of the section constitute a majority of the members elected to the section, the remaining members of the section shall, at the first regular meeting of the section after the vacancy occurs, appoint to the office a person who is qualified to be elected as a member of the section.

Idem

(2) If the office of a member of the French-language section of a board becomes vacant and the remaining members of the section do not constitute a majority of the members elected to the section, a new election shall be held to fill the vacancy or vacancies.

Idem

(3) A member of the French-language section of a board appointed under subsection (1) or elected under subsection (2) shall hold office for the remainder of the term of office of the membership of the board.

Jurisdiction

277m.—(1) The following matters are within the exclusive jurisdiction of the French-language section of a board:

1. The planning and establishment of French-language instructional units, including the preparation and submission of capital expenditure forecasts in respect of such units to the board for submission to the Ministry.
2. The administration and the closing of French-language instructional units.
3. Admissions committees under subsection 258 (6a) and section 273.
4. The planning, establishment, implementation and maintenance of programs and courses for pupils enrolled in a French-language instructional unit.
5. The recruitment and assignment of teachers and administrative and supervisory personnel for French-language instructional units.
6. Entering into agreements under section 159 (provision of accommodation or services to another board), 161 (furnishing or obtaining education for pupils), 162 (public and separate school boards), 163 (furnishing or obtaining secondary school education for pupils) or 165a (adult basic education) in respect of pupils in French-language instructional units.

(2) The following matters are outside the jurisdiction of the French-language section of a board and its members:

Excluded
matters

1. The planning and establishment of schools that are not French-language instructional units, including the preparation and submission of capital expenditure forecasts to the board for submission to the Ministry in respect of such schools.
2. The administration and the closing of schools that are not French-language instructional units.
3. The planning, establishment, implementation and maintenance of programs and courses for pupils enrolled in a school or class that is not a French-language instructional unit.
4. The recruitment and assignment of teachers and administrative and supervisory personnel for schools and classes mentioned in paragraph 3.
5. Entering into agreements under section 159 (provision of accommodation or services to another board), 161 (furnishing or obtaining education for pupils), 162 (public and separate school boards), 163 (furnishing or obtaining secondary school education for pupils) or 165a (adult basic education) in respect of pupils in a school or class that is not under Part XI.

(3) In respect of any matter not referred to in subsection (1) or (2), including the employment of the director of education, a member of the French-language section of a board has the same powers, duties, rights and responsibilities as a member of the board who is not a member of the French-language section.

Common
jurisdiction

(4) The following rules apply with respect to quorums where a board has a French-language section:

Quorum

1. The presence of a majority of all the members constituting the board is necessary to form a quorum when dealing with a matter that is not a matter to which paragraph 2 or 3 applies.
2. The presence of a majority of all the members of a French-language section of a board is necessary to form a quorum when dealing with matters within the exclusive jurisdiction of the French-language section of the board.

3. The presence of a majority of all members of a board who are not members of the French-language section of the board is necessary to form a quorum when dealing with matters outside the jurisdiction of the French-language section of the board.
4. Where the board is a board of education and the board, other than the French-language section, is composed, in part, of members who are elected by separate school electors, for the purposes of paragraph 3, when dealing with matters that affect public schools exclusively, the presence of a majority of the members elected to the board by the public school electors is necessary to form a quorum.
5. Subsection 184 (11) does not apply.

Change of
jurisdiction

(5) If a majority of the members of the French-language section of a board and a majority of the other members of the board each resolve that a matter that is a centralized service, as defined in subsection 277n (6), shall be within the exclusive jurisdiction of the French-language section of the board or outside the jurisdiction of the French-language section of the board and its members, subsections (1) and (2) shall be deemed to be modified accordingly in respect of the board, and the secretary of the board shall transmit to the Minister notice of the change of jurisdiction.

Reversion of
jurisdiction

(6) A resolution passed under subsection (5) shall cease to have effect at the end of the term of the members in office when the resolution was passed unless a majority of the members of the French-language section of the board and a majority of the other members of the board resolve that it shall cease to have effect at an earlier date.

Application

277n.—(1) This section applies to every board that has a French-language section under this Part.

Idem

(2) This section applies in respect of the year 1989 and every subsequent year.

Allocation
of estimated
revenues

(3) After the estimates of the board in respect of a year are approved or adopted, as the case requires, the board shall allocate the amounts of its estimated revenues for the year as follows:

1. Firstly, to the specific educational programs or specific schools or classes that generated a portion of the estimated revenues, in amounts equal to the amounts generated.

2. Secondly, to the centralized services of the board, in amounts equal to the amounts set out for the centralized services in the estimates.
3. Thirdly, to all the schools and classes operated by the board.

(4) The board shall allocate the estimated revenues under paragraph 3 of subsection (3) to the schools and classes that are French-language instructional units in the ratio that the average daily enrolment in those schools and classes is to the average daily enrolment of the board in all schools and classes mentioned in the paragraph.

Schools
and
classes

(5) The board shall allocate the estimated revenues under paragraph 3 of subsection (3) to the balance of the schools and classes that are not French-language instructional units in the ratio that the average daily enrolment in those schools and classes is to the average daily enrolment of the board in all schools and classes mentioned in the paragraph.

Balance
of schools
and classes

(6) In this section, “centralized services” means,

Definition

- (a) salaries, benefits and professional development of employees but excluding employees whose recruitment and assignment is specified in this Part as either within the exclusive jurisdiction of the French-language section of the board or outside the jurisdiction of the French-language section of the board and its members;
- (b) normal maintenance of and operational services and equipment required for school sites;
- (c) school supplies other than instructional and learning materials;
- (d) transportation of pupils to and from school and from school to school;
- (e) allocation to reserve funds and the reserve for working funds;
- (f) establishment and maintenance of the head office of the board, including services operated therefrom;
- (g) permanent improvements other than the replacement for schools and classes of furniture, furnishings, library books and instructional equipment and apparatus; and

- (h) expenditures that are not within clauses (a) to (g) but that are approved from time to time by the board.

Duty of
board

277o.—(1) Every board shall ensure that the matters that are within the exclusive jurisdiction and the matters that are outside the jurisdiction of the French-language section of the board are provided for when the board prepares and adopts its estimates and when the board allocates its estimated revenues.

Variation

(2) Subject to subsection (1), a board may vary an allocation in order to accommodate a change in circumstances or assumptions upon which the estimates of the board were made.

Annual
filing by
boards

277p.—(1) Every board shall file annually with the Ministry a report in the prescribed form in respect of the enrolment of resident pupils of the board in schools and classes operated as French-language instructional units and in respect of the enrolment of resident pupils of the board in schools and classes not operated as French-language instructional units.

Counting
date

(2) Every board shall compile the data mentioned in subsection (1) as of the 30th day of September in each year, commencing as of the 30th day of September, 1986.

Calculations
by Ministry

277q.—(1) The Ministry shall calculate the calculated enrolment of French-language resident pupils, the calculated enrolment of resident pupils other than French-language resident pupils and the total calculated enrolment of resident pupils of each board.

Idem

(2) From the enrolments calculated under subsection (1), the Ministry shall calculate the number of members to be elected to the French-language section of each board in the next regular election.

Additional
factor in
calculations

(3) In order to allow for statistical inaccuracies, the Ministry shall calculate a calculated enrolment of French-language resident pupils,

- (a) that is not less than 9.50 per cent and not more than 10 per cent of the calculated enrolment of resident pupils of a board as 10 per cent of the calculated enrolment of resident pupils of the board; and
- (b) that is not less than 285 and not more than 300 resident pupils of the board as 300 resident pupils of the board.

(4) For the purposes of the regular election in the year 1988, the calculations under subsections (1) and (2) shall be based upon the enrolment of resident pupils of the board as of the 30th day of September, 1987.

Election
in 1988

(5) For the purposes of a regular election held after 1988, the calculations under subsections (1) and (2) shall be based upon the enrolment of resident pupils of the board as of the 30th day of September in the year immediately preceding the year in which the regular election is held.

Regular
elections

(6) Where members are to be elected to the French-language section of a board, the Minister, before the 1st day of July in the year in which the election is to be held,

Notice to
boards and
returning
officers

- (a) shall notify the board and the Commission of the results of the calculations under subsections (1) and (2);
- (b) shall notify the proper returning officer of the number of members to be elected to the French-language section of the board;
- (c) shall notify the appropriate assessment commissioners; and
- (d) shall give public notice that the board qualifies under this Part to have a French-language section and of the number of members to be elected to the French-language section of the board.

(7) A board or the Commission or a committee may appeal the accuracy of the calculations under subsections (1) and (2) to the Minister by application made not later than the 15th day of July in the year in which the election is to be held.

Application
to Minister

(8) The Minister shall appoint a person to hear and consider the matter and report to the Minister, and the Minister shall make such changes in the calculations as are recommended in the report.

Hearing and
decision

(9) The Minister,

Further
notice

- (a) shall notify the board of any changes in the results of the calculations;
- (b) shall notify the proper returning officer of any change in the number of members to be elected to the French-language section of the board;

- (c) shall notify the appropriate assessment commissioners; and
- (d) shall give public notice of any change in the qualification of the board to have a French-language section or in the number of members of the French-language section of the board,

consequent upon the report to the Minister.

Definitions

(10) In this section, “Commission” and “committee” have the same meanings as in section 274.

Liaison
committee

277r.—(1) Any two or more committees established by boards under Part XI or French-language sections of boards, or any combination of such committees and French-language sections, may establish a liaison committee which shall be known as a regional committee for French-language education.

Function

(2) A regional committee for French-language education may consider and make recommendations to the French-language section of a board or to the committee established by a board under Part XI on any matter that affects French-language education.

Notice to
Minister

277s.—(1) If before the 30th day of June in any year the French-language section becomes aware that on the first day of the following school year it will not be operating a French-language instructional unit and it will not be providing education for at least 285 resident pupils of the board or at least 9.50 per cent of the resident pupils of the board pursuant to an agreement as described in subsection 277d (2) or (3), the French-language section shall forthwith notify, in writing, the full board of such fact and the board shall forthwith notify, in writing, the Minister.

Dissolution

(2) Unless the notice to the Minister under subsection (1) is revoked, the French-language section of a board in respect of which a notice is required to be given to the Minister is dissolved on the 1st day of December next following the time at which the notice was required to be given and the members shall cease to hold office on that date.

Revocation
of notice

(3) A board may revoke a notice given under subsection (1) at any time before the dissolution of the French-language section of the board if after the 1st day of September in the year in which the notice was given, the board has any French-language instructional units or it provides education to resi-

dent pupils as described in subsection (1) and the revocation shall be by notice, in writing, delivered to the Minister.

(4) Where a French-language section of a board is dissolved, at least ten French-speaking ratepayers, within the meaning of Part XI of the Act, shall be deemed to have applied to the board on the day of the dissolution for the establishment of a French-language advisory committee.

Deemed application

277t.—(1) There shall be an English-language section of a board and this Part shall apply with necessary modifications in respect of the board and in respect of the English-language section of the board if the calculated enrolment of English-language resident pupils of the board is a minority of the total calculated enrolment of the resident pupils of the board and,

English as language of instruction

- (a) the board operates an English-language instructional unit under Part XI;
- (b) the board enters or has entered into an agreement or agreements with another board or boards to enable a calculated enrolment of at least 300 resident pupils of the board to receive instruction in one or more English-language instructional units operated by the other board or boards; or
- (c) the board enters or has entered into an agreement or agreements with another board or boards to enable a calculated enrolment of at least 10 per cent of the resident pupils of the board to receive instruction in one or more English-language instructional units operated by the other board or boards.

(2) For the purposes of subsection (1),

Interpretation

- (a) a reference in this Part to French, other than in this subsection and subsection (3), shall be deemed to be a reference to English;
- (b) a reference in this Part, other than in subsection (3), to French language shall be deemed to be a reference to English language; and
- (c) a reference in this Part, other than in subsection (3), to a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario shall be deemed to be a reference to a

person who does not have that right and to be a reference to a person who has but elects not to exercise that right.

French as majority

(3) Where a board has an English-language section, the other members of the board must have the qualifications to be elected as a member of a French-language section of a board as described in section 277g and an elector of such other members must have the qualifications to be an elector in respect of a French-language section of a board as described in section 277h.

Forms

277u.—(1) The Minister may prescribe the form of the report under subsection 277p (1) and require its use for the purposes of this Part.

Application of R.S.O. 1980, c. 446

(2) An act of the Minister under subsection (1) is not a regulation within the meaning of the *Regulations Act*.

PART XI-B

INTERIM GOVERNANCE OF FRENCH-LANGUAGE INSTRUCTION

Definitions

277v. In this Part, “board”, “calculated enrolment”, “French-language”, in relation to a resident pupil, “French-language instructional unit”, “resident pupil” and “total calculated enrolment” have the same meanings as in Part XI-A.

French-language education council

277w.—(1) Every board that on the first school day in September, 1986, operates a French-language instructional unit shall have a French-language education council if the calculated enrolment of French-language resident pupils of the board is a minority of the total calculated enrolment of resident pupils of the board.

Authority of council

(2) The French-language education council of a board shall govern for the board the French-language instructional units of the board.

Number of members of French-language education council

277x.—(1) The number of members of the French-language education council of a board shall be determined according to the following rules, which shall be applied in order beginning with rule 1:

1. The number of members of the French-language education council shall bear the same ratio to the total number of elected members of the board that the calculated enrolment of French-language resident pupils of the board bears to the total calculated enrolment of resident pupils of the board.

2. The French-language education council shall be composed of those members of the board who are eligible to be members of and who elect in writing to sit as members of the French-language education council.
3. All of the members of the board who are eligible to be and who elect in writing to sit as members of the French-language education council are entitled to do so even if the number of such members is greater than the number of members determined according to rule 1.
4. If the number of eligible members of the board who elect in writing to be members of the French-language education council is less than the number of members determined according to rule 1 or if there are no such eligible members, the additional membership or the membership, as the case may be, of the French-language education council shall be made up by members elected in accordance with subsection (6).
5. If the number of members of the French-language education council determined according to rule 1 is less than three, it shall be composed of three members or such greater number as have elected to be members under rule 2.
6. Where the number of members of the French-language education council determined according to rule 1 is less than three and the number of members who elect to be members under rule 2 is less than three, the total number of members of the board shall be increased by the difference between three members and the number of members who elect to be members under rule 2 and the additional members shall be members of the French-language education council and shall be elected in accordance with subsection (6).
7. The number of members of the French-language education council determined according to these rules shall be corrected to the nearest integer, the fraction one-half being raised to the next higher integer.

(2) If a board is required to have a French-language education council, every member of the board who has the right under subsection 23 (1) or (2), without regard to subsection

Qualified
members of
board

23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario is eligible to be a member of the French-language education council.

Qualifications for election

(3) A person is qualified to be elected as a member of the French-language education council if,

- (a) the person is eligible to be elected as a member of the board; and
- (b) the person has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario.

Calculations

(4) For the purpose of this Part, the calculated enrolment of French-language resident pupils of the board and the total calculated enrolment of resident pupils of the board are the numbers determined in accordance with subsections 277q (1) and (3), using data compiled as of the 30th day of September, 1985, as required by the Ministry before the coming into force of this section.

Idem

(5) From the enrolments calculated under subsection (4), the Ministry shall calculate the number of members of the French-language education council of each board.

Meeting to elect council members

(6) A board that is required to have a French-language education council shall, if necessary, make provision for a meeting of its French-speaking ratepayers, as defined in section 257a, for the purpose of electing by general vote members of the council who shall be members of the board.

Idem

(7) A board shall advertise in each of its schools and in the public media serving the local population, the place, date and time of a meeting under subsection (6) and take such additional action to publicize the meeting as it considers expedient and section 264 applies with necessary modifications to the election.

Time limit

(8) An election under rule 2 of subsection (1) must be delivered to the secretary of the board within fourteen days of the day this section comes into force.

Idem

(9) Where after the expiry of the fourteen-day period referred to in subsection (8), an election is required under sub-

section (6), the election shall be held within thirty days of the coming into force of this section.

(10) Where following an election under subsection (6), there are fewer than three members on the French-language education council of a board, the Minister, by order, shall appoint such number of qualified persons as members of the council as are necessary to provide for three members on the council.

Appoint-
ments to
council by
Minister

(11) If a board is required to have a French-language education council and the board has a French-language advisory committee under Part XI, the French-language advisory committee is dissolved on the day the council is constituted.

Dissolution
of advisory
committee

277y.—(1) A French-language education council shall be deemed to be constituted on the 1st day of December, 1986 and it shall hold its first meeting not later than the 7th day of December, 1986.

When council
constituted

(2) Section 183 and subsections 265 (1), (3) and (4) apply with necessary modifications to a French-language education council.

Open
meetings,
etc.

(3) If the office of a member of the French-language education council becomes vacant and the remaining members of the council constitute a majority of the council's members, the remaining members shall, at the first regular council meeting after the vacancy occurs, appoint to the office a person who is eligible to be a council member.

Vacancies in
council

(4) If the office of a member of the French-language education council becomes vacant and the remaining members of the council do not constitute a majority of the council's members, a new election shall be held under subsection 277x (6) to fill the vacancy or vacancies.

Idem

277z.—(1) Sections 277m, 277o, 277r and 277s apply with necessary modifications where a board has a French-language education council as if a reference therein to a French-language section were a reference to a French-language education council.

Miscellaneous

(2) Notwithstanding subsection 277s (2), a person who elected under rule 2 of subsection 277x (1) to be a member of a French-language education council of a board shall remain as a member of the board if the council is dissolved before the 1st day of December, 1988.

Idem

Estimates,
etc.

(3) Notwithstanding subsection 277n (2), section 277n applies to a board that has a French-language education council in respect of the years 1987 and 1988.

English as
language of
instruction

277za.—(1) There shall be an English-language education council of a board and this Part shall apply with necessary modifications in respect of the board and in respect of the English-language education council of the board if the calculated enrolment of English-language resident pupils of the board is a minority of the total calculated enrolment of the resident pupils of the board and the board operates an English-language instructional unit under Part XI.

Interpretation

(2) For the purposes of subsection (1),

- (a) a reference in this Part to French, other than in this subsection, shall be deemed to be a reference to English;
- (b) a reference in this Part to French language shall be deemed to be a reference to English language; and
- (c) a reference in this Part to a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario shall be deemed to be a reference to a person who does not have that right and to be a reference to a person who has but elects not to exercise that right.

12.—(1) Section 19 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (f) who is a separate school elector or a public school elector, that the elector has chosen to vote to elect members of the French-language section, or the English-language section, of a board under Part XI-A of the *Education Act*.

R.S.O. 1980,
c. 129

(2) Subsection 49 (1) of the said Act is amended by adding thereto the following paragraph:

- 6a. Where the election is to the French-language section, or the English-language section, of a board under Part XI-A of the *Education Act*, an elector is entitled to as many votes as there are members of the French-language section or the English-language

R.S.O. 1980,
c. 129

section, as the case may be, of the board but may not give more than one vote to any one candidate.

13.—(1) Subsection 116 (1) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1983, chapter 9, section 1 and 1984, chapter 18, section 9, is further amended by relettering clause (ba) as clause (bb), by relettering clauses (bb) and (bc) as clauses (bd) and (be) respectively and by adding thereto the following clauses:

(ba) “Council” means the council established by section 120b;

.

(bc) “French-speaking ratepayer” means a person who is entitled to vote at an election of members of a board of education and who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario.

(2) The said Act is amended by adding thereto the following sections:

120a.—(1) Within two months after the date this section comes into force, the boards of education that have a French-language advisory committee under Part XI of the *Education Act* shall establish by resolution a new French-language advisory committee in accordance with the *Education Act* and when the new committee takes office the previous committee is dissolved.

New French-language advisory committees
R.S.O. 1980, c. 129

(2) Subsection (1) applies notwithstanding that the board of education operates a French-language instructional unit.

Idem

(3) For the purposes of subsection (1), at least ten French-speaking ratepayers shall be deemed to have applied to the board of education for the establishment of the new French-language advisory committee.

Deemed application

(4) This section is repealed on the 1st day of December, 1988.

Repeal

120b.—(1) There is established on the 1st day of December, 1988, a council to be known in French as “Le conseil des écoles françaises de la communauté urbaine de Toronto” and

Council established

in English as "The Metropolitan Toronto French-Language School Council".

Duty of
Council

R.S.O. 1980,
c. 129

(2) Subject to section 120f, beginning on the 1st day of January, 1989, the Council shall operate all French-language instructional units under Part XI of the *Education Act* in the Metropolitan Area other than those operated by the Metropolitan Separate School Board.

Body
corporate,
composition

(3) The Council is a body corporate and shall be composed of nine members.

Designation

(4) The Council may be legally designated by either or both versions of its name.

Election of
members

(5) Beginning with the regular election in 1988, the members of the Council shall be elected at the same time and for the same term of office as the boards of education and, subject to this Part, shall be elected in the same manner as members of a board of education.

Electoral
areas

(6) For the purpose of electing members to the Council, the Metropolitan Area is divided into the four electoral areas named in column 1 of the following table and each electoral area shall be represented on the Council by the number of members set out opposite thereto in column 2:

Table

Column 1	Column 2
Electoral Area	Number of members
1. the City of Toronto	3
2. the City of North York	3
3. the City of Scarborough and the Borough of East York	2
4. the Cities of Etobicoke and York	1

Idem

(7) The members of the Council to be elected in an electoral area shall be elected by general vote in the electoral area.

Qualification
of members
of Council

(8) A person is qualified to be elected as a member of the Council if,

- (a) the person is qualified to be elected as a member of the board of education for the area municipality in which the person resides;
- (b) the person is a French-speaking ratepayer; and

- (c) the person chooses to vote only for members of the Council and not for a member of the board of education for the area municipality in which the person resides.

(9) A person is qualified to be an elector in respect of a Electors
member of the Council if,

- (a) the person is qualified to vote in a regular election of members of the board of education for the area municipality in which the person resides;
- (b) the person is a French-speaking ratepayer; and
- (c) the person chooses to vote only for members of the Council and not for a member of the board of education for the area municipality in which the person resides.

(10) No person is entitled to vote in a regular election for Idem
both members of the Council and members of the board of education for the area municipality in which the person resides.

(11) The election of members of the Council for an electoral area shall be conducted by the same officers and in the same manner as elections of members of the boards of education in the same electoral area except that in the case of an election in the electoral area of the City of Scarborough and the Borough of East York and the electoral area of the Cities of Etobicoke and York, Election officers

- (a) the nominations in each case shall be submitted to the returning officer of the area municipality in the electoral area having the greatest equalized residential and farm assessment for public school purposes, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and
- (b) the clerk of each area municipality shall be the returning officer for the vote to be recorded in the clerk's area municipality and the clerk shall report forthwith the vote recorded to the returning officer referred to in clause (a), who shall prepare the final summary and announce the result of the vote.

Definition (12) For the purposes of subsection (11), "equalized residential and farm assessment" shall have the same meaning as in clause 59 (1) (a) of the *Education Act*.

R.S.O. 1980,
c. 129

Deemed
board of
education

120c.—(1) Except as provided in this Part, the Council, for the purposes of every Act, shall be deemed to be a board of education in the Metropolitan Area.

Allowances
for members

(2) The Council may set and pay allowances to its members for the term of office that expires the 1st day of December, 1991 despite subsection 167 (1a) of the *Education Act*.

Assumption
of existing
programs

120d.—(1) The Council shall assume, on the 1st day of January, 1989, the operation of all schools and classes established before that day by the boards of education under Part XI of the *Education Act* in which French is the language of instruction.

R.S.O. 1980,
c. 129

Possession of
facilities

(2) Subject to subsection (3), possession of the facilities used in relation to schools and classes described in subsection (1) vests in the Council on the 1st day of January, 1989 at such rent as the board of education concerned and the Council may agree and the board of education concerned and the Council shall agree upon the allocation and disposition, without compensation, of all other property situate upon or used in connection with the facilities.

Ownership of
school sites

(3) Where possession of all of the lands and premises used as a school site vests in the Council under subsection (2), the ownership of the lands and premises vests in the Council at the same time, without compensation, but subject to all existing debts, contracts, agreements and liabilities of the board of education that pertain to such school site.

Dispute

(4) Any dispute as to possession of any facilities or the allocation or disposition of property under subsection (2) or the transfer of ownership under subsection (3) may be referred by the Council and the board of education, or either of them, to the Ontario Municipal Board, which shall determine the matters in dispute, and its decision is final.

Transfer of
employees

(5) On the 1st day of January, 1989, the employment contract of every employee of a board of education who was employed immediately before the coming into force of this section in a school or class established under Part XI of the *Education Act* is vested in and becomes an obligation of the Council.

R.S.O. 1980,
c. 129

120e. Beginning on the 1st day of January, 1989, no board of education shall operate a school or class under Part XI of the *Education Act*. Prohibition
R.S.O. 1980,
c. 129

120f. Notwithstanding subsection 120b (2), the School Board shall continue to operate schools and classes for trainable retarded pupils in the Metropolitan Area in which French is the language of instruction and the Council shall not operate such schools or classes. Exception

120g. A person who is qualified to be a resident pupil in respect of a board of education in the Metropolitan Area and exercises his or her right under subsection 258 (2) or 261 (1) of the *Education Act* is also qualified to be a resident pupil of the Council. Resident
pupils of
Council

120h. Subsections 127 (4) to (6b), section 130j, clause 133 (1) (e) and subsections 133 (4) to (6) do not apply in respect of the Council. Non-
application

120i. In December, 1988 and in 1989, the Council may borrow from the School Board, notwithstanding that the estimates have not been approved by the School Board. Interim
financing,
1988, 1989

(3) Subsection 121 (2) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 18, section 11, is amended by inserting after "Area" in the third line "and the chairman of the Council".

(4) Subsection 121 (3) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 9, section 3 and 1984, chapter 18, section 11, is repealed and the following substituted therefor:

(3) The Board of Education for the Borough of East York, The Board of Education for the City of Etobicoke, The Board of Education for the City of York and the Council may each appoint one of its members as an alternate member of the School Board, and such alternate member may attend the meetings of the School Board and of its committees, but shall not vote in the meetings of the School Board or of its committees except in the absence of the chairman of the board of education or of the Council, as the case may be, to which such member belongs or of the member appointed in place of the chairman under subsection (6). Alternate
members

14. Part XI-B, as enacted by section 11 of this Act, is repealed on the 1st day of December, 1988. Repeal

Commence-
ment

15.—(1) This Act, except subsections 13 (3) and (4), comes into force on the 1st day of October, 1986.

Idem

(2) Subsections 13 (3) and (4) come into force on the 1st day of December, 1988.

Short title

16. The short title of this Act is the *Education Amendment Act, 1986*.

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Bill 76



**An Act to implement the Terms of a Settlement
of all Claims arising out of the Contamination by
Mercury and other Pollutants of the
English and Wabigoon and Related River Systems**

The Hon. I. Scott
Attorney General

1st Reading June 11th, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

The Bill implements, to the extent of Ontario's legislative authority, a settlement arrived at by Ontario, Canada, Reed Inc., Great Lakes Forest Products Ltd., The Islington Indian Band and The Grassy Narrows Indian Band of all disputes arising out of the contamination by mercury and other pollutants of the English and Wabigoon and related river systems. The terms of the settlement are more particularly set out in an Agreement between the parties signed by them in the month of November, 1985, that basically provides for the payment by Canada, Ontario, Reed Inc. and Great Lakes Forest Products Ltd., in the proportions set out in the Agreement, of a total of \$16,667,000 to be shared approximately equally by the two Bands. Reciprocal legislation is being enacted by the Parliament of Canada, to the extent of its legislative authority, and the implementation of the settlement is contingent upon the passage of both the provincial and the federal legislation.

Among the principal features of the Bill are the following:

1. A Fund is established, into which each of the two Indian Bands will deposit \$1,000,000, plus accrued interest, out of the moneys paid to the Bands by Canada and by Ontario in accordance with the terms of the settlement. Resort may be had to this Fund for particular assistance by individual members of the Bands who demonstrate they are affected by conditions consistent with methylmercury poisoning. Each Band may use the balance of the amount paid to it for such purposes as its Band Council considers appropriate.
2. A board is established, to be known as The Grassy Narrows and Islington Bands Mercury Disability Board, under whose general supervision the Fund will be administered. The seven members of the Board, to be composed of a chairman, two Band representatives, two physicians and two other persons, will be appointed by a search committee composed of the chief of each of the Bands and two other persons, one designated by Canada and one by Ontario. The administrative costs of the Board will be borne equally by Canada, Ontario and each of the two Bands.
3. An administrator is to be appointed by the Board who will receive applications for benefits to be paid out of the Fund and, in accordance with specific criteria set out in a plan document, make or decline to make an award to an applicant.
4. The decision of the administrator will be subject to review by the Board, whose decision will be final and not subject to judicial review.
5. The Fund is to be terminated by the Board when a period of three consecutive years passes without the making of a fresh award from the Fund, but not however in any event before January 1st, 2001. After purchasing from the balance in the Fund a life annuity for every applicant in receipt of an award and after repaying Ontario for any advances paid by it to maintain the Fund at a level of not less than \$100,000, as provided for in the settlement, the administrator is to pay any balance then remaining to the two Bands in equal amounts.
6. In consideration of the benefits conferred by the terms of the settlement, all existing and future rights of action of the Bands and of their past, present or future members in respect of claims and causes of action that are the subject of the settlement are abolished.

Bill 76

1986

**An Act to implement the Terms of a Settlement
of all Claims arising out of the Contamination by
Mercury and other Pollutants of the
English and Wabigoon and Related River Systems**

WHEREAS the Government of Canada, the Government of Preamble
Ontario, Reed Inc., Great Lakes Forest Products Ltd., The
Islington Indian Band and The Grassy Narrows Indian Band
have entered into a settlement of all claims and causes of
action, past, present and future, arising out of the discharge
by Reed Inc. and its predecessors of mercury and other pollu-
tants into the English and Wabigoon and related river systems
and the continuing presence of any such pollutants, including
the continuing but now diminishing presence of methylmercu-
ry, in the related ecosystems since its initial identification in
1969;

AND WHEREAS the discharge of such pollutants and gov-
ernmental actions taken in consequence thereof may have had
and may continue to have effects in respect of the social and
economic circumstances and the health of the present and
future members of the Bands;

AND WHEREAS the Government of Canada and the
Government of Ontario have assumed certain obligations
under the settlement in favour of the Bands;

AND WHEREAS the settlement provides, among other
things, for the payment of certain sums to each Band, for the
establishment of The Grassy Narrows and Islington Bands
Mercury Disability Board, the establishment of the Grassy
Narrows and Islington Bands Mercury Disability Fund, the
payment of benefits to Band members and, subject to certain
exceptions contained in the settlement, the abolition of all
existing and future rights of action of the Bands and of every
past, present or future member of the Bands, and the estates
thereof, in respect of any claims and causes of action that are
the subject of the settlement, in consideration of the rights
and benefits set out in the settlement;

AND WHEREAS it is expedient that the Legislature give effect to and implement the terms of the settlement;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

“administrator” means a person authorized under this Act to administer the Fund in accordance with a plan document;

“applicant” means any member or past member of a Band who makes an application or on whose behalf an application is made and lodged with the administrator, and shall be deemed to include, as if a member of a Band, a registered Indian customarily resident on a reserve before the 1st day of October, 1985;

“application” means a written application, in prescribed form, of an applicant and includes a medical report in prescribed form from an authorized physician;

“authorized physician” means a physician entitled to practice medicine in any jurisdiction in Canada or the United States of America and designated as an authorized physician by the Board;

“award” means a decision of the Board to make available a benefit to an applicant in respect of an application and includes a determination by the administrator which has not been reviewed by the Board;

“Band” means The Islington Band of Indians or The Grassy Narrows Band of Indians and “the Bands” means both of them and includes, for the purposes of sections 36 and 39, a registered Indian customarily resident on a reserve before the 1st day of October, 1985;

“Band Council” means the Council of a Band;

“benefit” means the monetary amounts paid or payable by the administrator pursuant to an award and “maximum benefit” means the maximum monetary amounts payable in accordance with the terms of the settlement;

“Board” means The Grassy Narrows and Islington Bands Mercury Disability Board established by this Act;

“certificate” means a resolution of the Council of the Band of which an applicant is a member, setting forth such matters as the Board may prescribe;

“condition” means an observable medical symptom, sign or condition, or combination of related medical symptoms, signs or conditions which,

- (a) is a known condition, or
- (b) has been determined by the Board to constitute a condition, on the basis that it is reasonably consistent with mercury poisoning and capable of significantly impairing the quality of life or limiting the activities of an applicant, and “known condition” means any of the conditions specified as known conditions in the settlement;

“costs of the Board” means,

- (a) fees and disbursements payable to or incurred by or on behalf of the members of the Board in connection with their duties as members,
- (b) the personal expenses of an applicant awarded by the Board under section 29, and
- (c) the expenses incurred by the Board in consulting with professionally qualified persons under clause 6 (1) (b),

but does not include the fees and disbursements of a member who is a Band representative or of a member who is an employee of any other party to the settlement;

“depletion” means the total amount of reserves maintained by the administrator;

“disability” means a condition or combination of conditions observed by an authorized physician upon examination of an applicant;

“disbursements” means the costs of travel, accommodation, meals and communications reasonably incurred by or on behalf of members of the Board in connection with their duties as members;

“fiscal year” means the period from the 1st day of April in one year to the 31st day of March in the next year;

“Fund” means the Grassy Narrows and Islington Bands Mercury Disability Fund established by this Act;

“plan document” means the document or documents which define the responsibilities of the administrator and includes an agreement between the Board, or members of the Board, and the administrator, the schedules prescribing criteria for persons who may obtain assistance for disability and the levels of benefits, Neurological Grading Guidelines, Clinical Neurological Examination Protocol and the form of application prescribed by the Board;

“prescribed” means prescribed by the Board;

“reserve” means, as the context requires, the land set aside for the use and benefit of a Band or an amount designated by the administrator according to actuarial principles for the satisfaction of an award;

“settlement” means a settlement made in the public interest with the Bands, as set out in a Memorandum of Agreement signed by the parties thereto in the month of November, 1985, of disputes arising out of the discharge, by Reed Inc. and its predecessors, of mercury and any other pollutants into the English and Wabigoon and related river systems, and the effects which the discharge of such mercury and other pollutants and the continuing but now diminished presence of methylmercury in the related ecosystems may have had and may continue to have upon, and the concerns raised in respect of, the social and economic circumstances and the health of the present and future members of the Bands;

“undepleted balance” means the actual balance of the Fund including accrued income, less depletion.

Purpose
of Act

2. The purpose of this Act is to implement, to the extent that the legislative authority of the Legislature extends thereto, the terms of a settlement, subject to certain exceptions contained therein, of all claims, whether past, present or future, arising out of the contamination by mercury and other pollutants of the English and Wabigoon and related river systems, the terms of which settlement are embodied in a Memorandum of Agreement signed by the parties thereto in the month of November, 1985, made between Her Majesty the Queen in Right of Canada as represented by the Minister of Indian Affairs and Northern Development, Her Majesty the Queen in Right of the Province of Ontario, Reed Inc., Great Lakes Forest Products Ltd., The Islington Indian Band and The Grassy Narrows Indian Band.

3.—(1) A board to be known as “The Grassy Narrows and Islington Bands Mercury Disability Board” is hereby established. Board established

(2) The Board shall consist of seven members, composed of a chairman and, Composition of Board

- (a) two members, one of whom is a representative of one Band and one of whom is a representative of the other Band;
- (b) two members, each of whom is a duly qualified physician; and
- (c) two members who are not representatives or members of either Band or duly qualified physicians.

4.—(1) The chairman and other members of the Board shall be appointed by a search committee, constituted in accordance with the terms of the settlement, on such terms and conditions as the search committee agrees upon with each Board member. Appointment of Board members

(2) The chairman and other members of the Board may be replaced from time to time by the search committee, and every appointment or replacement must be the unanimous decision of the search committee and shall be certified in writing by each member of the committee. Appointments or replacements to be unanimous

(3) Pursuant to the settlement, Canada, Ontario, The Islington Indian Band and The Grassy Narrows Indian Band shall each pay 25 per cent of the costs of the Board. Costs of the Board

(4) Disbursements of the Board or of members of the Board, as the case may be, shall generally be in accordance with the levels from time to time in effect in respect of employees of Ontario. Level of disbursements

(5) The administrator shall, in accordance with the procedures prescribed by the regulations made under this Act, Collection of costs of Board by administrator

- (a) collect the costs of the Board from time to time from the parties liable therefor; and
- (b) pay the moneys when received to the persons entitled thereto.

(6) Neither the Board nor any member thereof is liable for any act done or decision made in good faith in relation to any aspect of its proceedings. Liability of Board

Panel for
decision
of Board

5. The chairman, the two Band representatives and two other members, designated for the purpose by the chairman, constitute a panel of the Board and are sufficient for the exercise of all the jurisdiction and powers of the Board in connection with the making of a decision by the Board.

Powers of
Board

6.—(1) The Board may,

- (a) consult with and obtain the assistance of any official of the Government of Canada or of Ontario who is able to provide information, advice or assistance to the Board in respect of public health, public health education or any government programs that the Board considers may touch upon the matter of mercury poisoning;
- (b) consult with such professionally qualified persons as the Board considers necessary;
- (c) make such recommendations as the Board considers appropriate to the Bands or to any minister of the Government of Canada or Ontario;
- (d) amend the plan document in accordance with subsection 22 (1);
- (e) amend, or with the consent of the Attorney General of Ontario, terminate an agreement with an administrator and enter into an agreement with another administrator;
- (f) have regard to the terms of the settlement for the purpose of interpreting and giving effect to this Act,

and shall,

- (g) supervise the administration of the Fund and make awards or supervise the making of awards by the administrator in accordance with this Act; and
- (h) designate from time to time as authorized physicians two or more physicians that the Board considers,
 - (i) have expert knowledge in respect of conditions consistent with methylmercury poisoning, and

- (ii) will be available and may be required for the purpose of providing medical reports in respect of applicants.

(2) The Board may,

Idem

- (a) prescribe the form of an application;
- (b) prescribe the contents of an affidavit that is to accompany an application;
- (c) prescribe the matters that are to be included in a certificate;
- (d) prescribe the form of medical report to be submitted with an application;
- (e) prescribe any other matter or thing that by this Act is to be or may be prescribed.

(3) The Board may, in its discretion, make an award that takes effect on a day not earlier than the day the application relating to the award was made.

Retroactive application of award

7. Where the Board considers that, after the date of the settlement,

Where conduct of applicant to be considered by Board

- (a) the conduct of an applicant has contributed and is contributing to the continuation or exacerbation of a disability;
- (b) the applicant at the time of the conduct had an understanding of its possible effects; and
- (c) the conduct occurred under circumstances where the applicant knew or ought to have known that a practical alternative form of conduct without significant disadvantage was available,

the Board,

- (d) shall consider the conduct in making or reviewing an award and may establish or vary conditions in the award; and
- (e) may, where there are clear clinical grounds for concluding that the conduct has contributed to the continuation or exacerbation of the disability or where the Board finds that any condition attached to an award under clause (d) has been disregarded, make

or vary an award to provide a benefit in such lesser amount than would otherwise be provided as the Board considers appropriate.

Fund to be established

8.—(1) There shall be established and maintained a fund to be known as the Grassy Narrows and Islington Bands Mercury Disability Fund into which shall be deposited by each Band the sum of money set out in the settlement.

Agreement between Board and administrator

(2) The Board shall make use of the services of an administrator in the investment, management and administration of the Fund and shall, subject to the approval of the Attorney General of Ontario, enter into such agreement or agreements with any person as the Board considers necessary for that purpose.

Gifts or bequests

(3) The administrator may,

- (a) accept and administer as part of the Fund any unconditional gift or bequest from any person; and
- (b) with the approval of the Board, accept and administer in accordance with the conditions attached thereto, any conditional gift or bequest from any person.

When Board not to approve acceptance of gift or bequest

(4) The Board shall not approve the acceptance of any conditional gift or bequest if the Board considers that the conditions attached thereto are not consistent with the objects of this Act or the administration of the Fund.

Income forms part of Fund

(5) The income of the Fund shall form part of the Fund.

Benefits paid out of Fund

(6) Every benefit paid by the administrator under the authority of this Act shall be paid out of the Fund.

Fees and expenses of administrator

(7) The fees and approved expenses of the administrator as provided for in the plan document shall be paid out of the Fund.

Reserves

(8) The administrator shall, in respect of each award, set aside and maintain a reserve, determined and revised from time to time in accordance with actuarial principles, in the amount estimated to be required, together with the income thereon, to provide for the payment of benefits under the award.

When undepleted balance is less than \$100,000

(9) In the event that the undepleted balance is less than \$100,000 at any time, the administrator shall thereupon give notice thereof in writing to the Bands, the Treasurer of

Ontario and the Board and thereupon the Treasurer shall from time to time as required deposit to the Fund out of the Consolidated Revenue Fund such amount of money as is required to raise the undepleted balance to not less than \$100,000.

(10) The administrator shall provide for an audit of the Fund annually and at the end of each fiscal year shall provide a copy of the auditor's report to the Bands, the Attorney General of Ontario, the Treasurer of Ontario and the Board.

Audit of
Fund

9. An applicant may, at any time before the Fund is closed, submit an application in the prescribed form for assistance from the Fund in respect of disability which the applicant believes is caused by mercury poisoning.

Application
for
assistance

10. An application shall be accompanied by,

Material to
accompany
application

- (a) an affidavit of the applicant setting out the matters prescribed;
- (b) in respect of the conditions manifested in the disability, a medical report from an authorized physician;
- (c) a certificate of the Council of the Band of which the applicant is a member setting out such matters as the Board prescribes; and
- (d) such other material as the Board prescribes.

11. Every application shall be submitted to the administrator and, in the event that an application is submitted by an applicant to the Board or to a member of the Board, the Board or the member shall forthwith transmit the application to the administrator.

Submission
of application
to
administrator

12. The administrator shall determine whether each application is in the prescribed form and, if it is not, shall provide written notice to the applicant setting out the deficiencies.

Application
to be in
prescribed
form

13. Any deficiencies may be corrected without resubmission of the entire application.

Corrections

14. Upon receipt of an application in the prescribed form, the administrator shall, within twenty-one days,

Duties of
administrator
on receipt of
application

- (a) if the application qualifies in accordance with the plan document and is accompanied by the material set out in section 10, subject to clause (c), advise

the applicant and the Board in writing that the application is accepted and specify the benefit payable in accordance with the plan document;

- (b) if the application does not appear to the administrator to qualify in accordance with the plan document or is not accompanied by the material set out in section 10, advise the applicant and the Board in writing of the reason it does not appear to qualify; or
- (c) if unable to determine whether the application qualifies, or what is the benefit payable, in accordance with the plan document, or if the administrator believes that there is any reason for the application to be considered by the Board, transmit the application to the Board together with such questions for the Board's decision as the administrator considers appropriate, and advise the applicant in writing that the application has been transmitted to the Board.

Provision
of interim
benefits to
applicant

15. When an application is transmitted to the Board under clause 14 (c), the administrator may, with the consent of the chairman, provide such benefit to the applicant as the administrator considers appropriate pending a decision from the Board and, in the event that the Board subsequently decides that an award should not be made or that a lower benefit should be provided, the amounts or the excess amounts which have been provided shall not be recovered from the applicant.

Where Board
required to
review
decision

16. An applicant or the Board or any member of the Board may, at any time after a determination by the administrator under clause 14 (a) or (b), by notice in writing to the Board or to the applicant or to the Board and the applicant respectively, require that the decision of the administrator be reviewed.

Powers of
Board

17. The Board shall, at its next meeting, or in any event within four months or, if more than two years after the coming into force of this Act, eight months after receipt of an application under clause 14 (c) or of notice under section 16, review the application and,

- (a) approve the application and make or confirm or vary an award; or
- (b) reject the application.

Provision
of benefits

18. When an application is subject to review under section 16, the administrator shall, pending receipt of the Board's decision, provide a benefit, or not, in accordance with the

determination made under section 14 and, if the determination is varied by the award of the Board, the administrator shall not give retroactive effect to the award unless expressly so directed by the Board's decision.

19. The chairman shall set forth and certify in writing every decision of the Board and shall incorporate in the decision the answer of the Board to any question submitted by the administrator under clause 14 (c), and shall provide a copy of the decision to the applicant and to the administrator.

Chairman to
certify
decision
of Board

20. The Board may in its sole discretion, at any time after giving notice to the applicant, on its own motion or upon request from an applicant or any member of the Board or the Attorney General of Ontario, review and vary any award.

Review by
Board

21.—(1) The Board has exclusive jurisdiction to exercise the powers conferred upon it by this Act and to determine all questions of fact and law that arise in any matter before it and, subject to sections 20 and 23, every decision of the Board is final and binding and is not subject to review and, subject to this Act, shall be given effect by the administrator.

Decision
final

(2) The *Statutory Powers Procedure Act* does not apply to the Board in its exercise of a statutory power of decision under this Act.

Non-
application
of
R.S.O. 1980,
c. 484

22.—(1) The Board shall not amend the plan document, except as provided for in subsection (2), without the consent of the Attorney General of Ontario, the Minister of Indian and Northern Affairs, Canada and the Band Councils.

Consent
required to
amend plan
document

(2) The Board may add any further condition to the plan document and assign points in respect of such condition in conformity with the distribution of points then in effect for other conditions.

Addition of
further
conditions
to plan
document

(3) Notwithstanding anything in this Act, the Board shall make or confirm or vary each award in such amount as it considers appropriate, having regard to the nature and extent of an applicant's disability, but shall not make any award in an amount greater than the maximum benefit.

Award to be
based on
nature and
extent of
disability

23. The Board shall establish its own procedure including, without limitation, the location of its meetings, and any applicant aggrieved by the procedure, even where the procedure prescribed by this Act has been followed, may request the Board to review an award under section 20.

Procedure

Evidence

24.—(1) The Board may make any decision without hearing any evidence but may, in its sole discretion, hear evidence under oath and every member of the Board may examine or cross-examine any person.

Applicant
may be
heard

(2) Any applicant may appear and be heard at any meeting of the Board at which his or her application or award is to be considered or reviewed, and the Board shall provide notice to each applicant accordingly.

Examination
of persons

25. No person other than a member of the Board may, except to the extent permitted by the Board in its sole discretion, examine or cross-examine any person at any meeting of the Board.

Report to be
considered

26. The Board shall consider, in respect of each condition manifested in the disability, the medical report of an authorized physician before making an award.

What Board
may consider

27. The Board shall consider any information, advice, report, evidence or other material or matter which, in its sole discretion, it deems useful for the purpose of deciding any matter including whether it may be appropriate to make or vary any award or awards, and may hear or, subject to subsection 24 (2), not hear any person.

No costs

28. The Board shall not award costs of any application.

Personal
expenses

29. The Board may, in its sole discretion, direct payment of all or part of the personal expenses of an applicant in connection with an application, whether or not the Board makes an award.

Quorum

30.—(1) The quorum of the Board shall be four of the panel established under section 5 and the decision of three or more members of the panel is the decision of the Board, and where a decision is not concurred in by three or more members of the Board,

(a) in the case of a review brought under section 16, the decision of the administrator shall be deemed to be confirmed; and

(b) in the case of an application transmitted under clause 14 (c), the application shall be deemed to be rejected.

Use of
telecommuni-
cations

(2) The Board may, with the consent of the members of the panel established under section 5 and, where applicable, of an applicant, conduct any meeting or make any decision by tele-

communications without the members being physically present in the same place.

(3) Other than for the purposes of section 32 and subject to subsection (4) of this section, not more than five members shall participate in any decision of the Board.

Five members only to participate in decision

(4) Notwithstanding section 5, the chairman may, if the nature of any decision appears to justify the consequent cost, establish a panel of all members of the Board, in which event the quorum shall be six and the decision of four or more members is the decision of the Board, and where a decision is not concurred in by four or more members of the Board,

Exception

(a) in the case of a review brought under section 16, the decision of the administrator shall be deemed to be confirmed; and

(b) in the case of an application transmitted under clause 14 (c), the application shall be deemed to be rejected.

31. Any member of the Board may assist an applicant in the preparation or submission of an application to the administrator or before the Board and shall not, by reason thereof, be disqualified from participating in the decision of the Board.

Assistance to applicant by Board member

32.—(1) The Fund may be terminated and closed by the Board after the expiry of three consecutive years from the date of the last award or variation of an award, but in any event not sooner than the 1st day of January, 2001, and with the consent of at least six members of the Board.

Termination of Fund

(2) The Board shall, before consenting to the Fund being closed, provide to the Minister of Indian and Northern Affairs, Canada, the Attorney General of Ontario and each of the Bands a report in respect of the efficacy of the Fund in achieving the objects of this Act.

Report of Board

(3) Upon the Board consenting to the Fund being closed,

Duty of administrator

(a) the administrator shall, if then possible, purchase from the balance of the Fund for every applicant then in receipt of a benefit a life annuity in the amount of the annual benefit or, if not then possible, do so as soon as it becomes possible, and thereupon advise the Board that the Fund is closed; and

(b) the administrator shall thereupon pay, to the extent of any balance of the Fund remaining, first to the

Treasurer of Ontario the total of any amounts paid by the Treasurer under subsection 8 (9), and then to each Band one-half of any balance remaining.

Board dissolved

(4) Upon the acceptance by the Attorney General of Ontario of the report provided for in subsection (2) and completion of the payments by the administrator provided for in subsection (3), the Board shall be dissolved.

Indemnification of Treasurer of Ontario

33. The Treasurer of Ontario shall be deemed to be and hereafter continue to be indemnified by each of the Bands, to the extent of any amounts paid to each Band under clause 32 (3) (b) together with interest calculated on such payments at a rate equal to the Consumer Price Index for Canada published by Statistics Canada, against liability for any claim by a person who would have been eligible to be an applicant but for the termination of the Fund brought against any party to the settlement in respect of the matters contemplated by the settlement.

Reciprocal legislation by Canada

34. This Act is enacted in contemplation of a reciprocal enactment by the Parliament of Canada for the purpose of giving effect in part to the settlement, and shall be construed accordingly.

Effect of Act

35. This Act shall have force and effect only to the extent that it is within the legislative jurisdiction of the Legislature.

Benefits not treated as income for purposes of other Acts

36.—(1) Notwithstanding any other Act of the Legislature, the benefits paid or payable to a member of a Band under the terms of the settlement shall not be considered or treated as income for the purposes of any other Act of the Legislature and no payment to which that member is entitled under any other Act of the Legislature shall be reduced by reason of the payment or availability of benefits to that member under the terms of the settlement.

Availability of programs or services not diminished

(2) The moneys paid to the Bands in accordance with the settlement and the benefits paid from the Fund to members of the Bands shall be considered as additional to any applicable program or service offered by the Government of Ontario, and the availability to the Bands and the members thereof of such program or service shall not be diminished by reason of the moneys paid under the settlement or the benefits paid from the Fund.

Insured services under R.S.O. 1980, c. 197

37. Every examination, service, test or report provided by, or at the direction of, an authorized physician in respect of an applicant in accordance with a requirement of the plan

document, the administrator or the Board shall be deemed to be an insured service under the *Health Insurance Act*.

38. For greater certainty, Ontario Supreme Court Action Number 14716/77 (Judicial District of York) shall be deemed to be a representative action, and its disposition in accordance with the settlement shall not be called into question in any court.

Repre-
sentative
action

39. All existing and future rights of action of the Bands and of every past, existing or future member of the Bands, and the estates thereof, in respect of claims and causes of action which are the subject of the settlement are, in consideration of and pursuant to the settlement, abolished.

Existing and
future rights
of action
abolished

40.—(1) The total liability in respect of any claim by a past, present or future member of a Band or a registered Indian customarily resident on a reserve before the 1st day of October, 1985, brought against any party to the settlement in respect of matters contemplated by the settlement, whether brought before or after the Fund is closed, shall be not more than the cost, at the time of the claim, of a life annuity in the amount of the annual maximum benefit payable from the Fund at the time the claim was brought or immediately prior to the Fund being closed, as the case may be.

Limitation
on liability
in respect
of claims

(2) Section 33 and this section shall not be deemed to contemplate that any claim described in section 33, notwithstanding the other provisions of this Act, may be brought or maintained.

Does not
contemplate
claims may
be
brought

41. The settlement is entire and the consideration flowing to the Bands and their present and future members therefrom shall be deemed to flow to every such member, and the settlement shall not be deemed to be divided between the Bands and their present and future members by this Act or anything done under the authority of this Act.

Settlement
entire

42. The Lieutenant Governor in Council may make regulations prescribing, for the purposes of subsection 4 (5), the procedures to be followed in the collection of the costs of the Board and in the payment of the moneys received to the persons entitled thereto.

Regulations

43. The moneys required to be paid by Ontario in accordance with the terms of the settlement, including the payment of interest thereon where provided for in the settlement at the rate of 8.52 per cent per annum compounded annually from the 15th day of October, 1985, shall be paid out of the Consolidated Revenue Fund.

Moneys

Commence-
ment

44. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

45. The short title of this Act is the *English and Wabigoon River Systems Mercury Contamination Settlement Agreement Act, 1986*.

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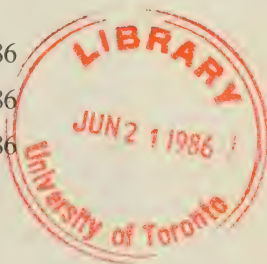
Bill 76

(Chapter 23
Statutes of Ontario, 1986)

An Act to implement the Terms of a Settlement of all Claims arising out of the Contamination by Mercury and other Pollutants of the English and Wabigoon and Related River Systems

The Hon. I. Scott
Attorney General

<i>1st Reading</i>	June 11th, 1986
<i>2nd Reading</i>	June 26th, 1986
<i>3rd Reading</i>	June 26th, 1986
<i>Royal Assent</i>	July 7th, 1986



AND WHEREAS it is expedient that the Legislature give effect to and implement the terms of the settlement;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

“administrator” means a person authorized under this Act to administer the Fund in accordance with a plan document;

“applicant” means any member or past member of a Band who makes an application or on whose behalf an application is made and lodged with the administrator, and shall be deemed to include, as if a member of a Band, a registered Indian customarily resident on a reserve before the 1st day of October, 1985;

“application” means a written application, in prescribed form, of an applicant and includes a medical report in prescribed form from an authorized physician;

“authorized physician” means a physician entitled to practice medicine in any jurisdiction in Canada or the United States of America and designated as an authorized physician by the Board;

“award” means a decision of the Board to make available a benefit to an applicant in respect of an application and includes a determination by the administrator which has not been reviewed by the Board;

“Band” means The Islington Band of Indians or The Grassy Narrows Band of Indians and “the Bands” means both of them and includes, for the purposes of sections 36 and 39, a registered Indian customarily resident on a reserve before the 1st day of October, 1985;

“Band Council” means the Council of a Band;

“benefit” means the monetary amounts paid or payable by the administrator pursuant to an award and “maximum benefit” means the maximum monetary amounts payable in accordance with the terms of the settlement;

“Board” means The Grassy Narrows and Islington Bands Mercury Disability Board established by this Act;

“certificate” means a resolution of the Council of the Band of which an applicant is a member, setting forth such matters as the Board may prescribe;

“condition” means an observable medical symptom, sign or condition, or combination of related medical symptoms, signs or conditions which,

- (a) is a known condition, or
- (b) has been determined by the Board to constitute a condition, on the basis that it is reasonably consistent with mercury poisoning and capable of significantly impairing the quality of life or limiting the activities of an applicant, and “known condition” means any of the conditions specified as known conditions in the settlement;

“costs of the Board” means,

- (a) fees and disbursements payable to or incurred by or on behalf of the members of the Board in connection with their duties as members,
- (b) the personal expenses of an applicant awarded by the Board under section 29, and
- (c) the expenses incurred by the Board in consulting with professionally qualified persons under clause 6 (1) (b),

but does not include the fees and disbursements of a member who is a Band representative or of a member who is an employee of any other party to the settlement;

“depletion” means the total amount of reserves maintained by the administrator;

“disability” means a condition or combination of conditions observed by an authorized physician upon examination of an applicant;

“disbursements” means the costs of travel, accommodation, meals and communications reasonably incurred by or on behalf of members of the Board in connection with their duties as members;

“fiscal year” means the period from the 1st day of April in one year to the 31st day of March in the next year;

“Fund” means the Grassy Narrows and Islington Bands Mercury Disability Fund established by this Act;

“plan document” means the document or documents which define the responsibilities of the administrator and includes an agreement between the Board, or members of the Board, and the administrator, the schedules prescribing criteria for persons who may obtain assistance for disability and the levels of benefits, Neurological Grading Guidelines, Clinical Neurological Examination Protocol and the form of application prescribed by the Board;

“prescribed” means prescribed by the Board;

“reserve” means, as the context requires, the land set aside for the use and benefit of a Band or an amount designated by the administrator according to actuarial principles for the satisfaction of an award;

“settlement” means a settlement made in the public interest with the Bands, as set out in a Memorandum of Agreement signed by the parties thereto in the month of November, 1985, of disputes arising out of the discharge, by Reed Inc. and its predecessors, of mercury and any other pollutants into the English and Wabigoon and related river systems, and the effects which the discharge of such mercury and other pollutants and the continuing but now diminished presence of methylmercury in the related ecosystems may have had and may continue to have upon, and the concerns raised in respect of, the social and economic circumstances and the health of the present and future members of the Bands;

“undepleted balance” means the actual balance of the Fund including accrued income, less depletion.

Purpose
of Act

2. The purpose of this Act is to implement, to the extent that the legislative authority of the Legislature extends thereto, the terms of a settlement, subject to certain exceptions contained therein, of all claims, whether past, present or future, arising out of the contamination by mercury and other pollutants of the English and Wabigoon and related river systems, the terms of which settlement are embodied in a Memorandum of Agreement signed by the parties thereto in the month of November, 1985, made between Her Majesty the Queen in Right of Canada as represented by the Minister of Indian Affairs and Northern Development, Her Majesty the Queen in Right of the Province of Ontario, Reed Inc., Great Lakes Forest Products Ltd., The Islington Indian Band and The Grassy Narrows Indian Band.

3.—(1) A board to be known as “The Grassy Narrows and Islington Bands Mercury Disability Board” is hereby established. Board established

(2) The Board shall consist of seven members, composed of a chairman and, Composition of Board

- (a) two members, one of whom is a representative of one Band and one of whom is a representative of the other Band;
- (b) two members, each of whom is a duly qualified physician; and
- (c) two members who are not representatives or members of either Band or duly qualified physicians.

4.—(1) The chairman and other members of the Board shall be appointed by a search committee, constituted in accordance with the terms of the settlement, on such terms and conditions as the search committee agrees upon with each Board member. Appointment of Board members

(2) The chairman and other members of the Board may be replaced from time to time by the search committee, and every appointment or replacement must be the unanimous decision of the search committee and shall be certified in writing by each member of the committee. Appointments or replacements to be unanimous

(3) Pursuant to the settlement, Canada, Ontario, The Islington Indian Band and The Grassy Narrows Indian Band shall each pay 25 per cent of the costs of the Board. Costs of the Board

(4) Disbursements of the Board or of members of the Board, as the case may be, shall generally be in accordance with the levels from time to time in effect in respect of employees of Ontario. Level of disbursements

(5) The administrator shall, in accordance with the procedures prescribed by the regulations made under this Act, Collection of costs of Board by administrator

- (a) collect the costs of the Board from time to time from the parties liable therefor; and
- (b) pay the moneys when received to the persons entitled thereto.

(6) Neither the Board nor any member thereof is liable for any act done or decision made in good faith in relation to any aspect of its proceedings. Liability of Board

Panel for
decision
of Board

5. The chairman, the two Band representatives and two other members, designated for the purpose by the chairman, constitute a panel of the Board and are sufficient for the exercise of all the jurisdiction and powers of the Board in connection with the making of a decision by the Board.

Powers of
Board

6.—(1) The Board may,

- (a) consult with and obtain the assistance of any official of the Government of Canada or of Ontario who is able to provide information, advice or assistance to the Board in respect of public health, public health education or any government programs that the Board considers may touch upon the matter of mercury poisoning;
- (b) consult with such professionally qualified persons as the Board considers necessary;
- (c) make such recommendations as the Board considers appropriate to the Bands or to any minister of the Government of Canada or Ontario;
- (d) amend the plan document in accordance with subsection 22 (1);
- (e) amend, or with the consent of the Attorney General of Ontario, terminate an agreement with an administrator and enter into an agreement with another administrator;
- (f) have regard to the terms of the settlement for the purpose of interpreting and giving effect to this Act,

and shall,

- (g) supervise the administration of the Fund and make awards or supervise the making of awards by the administrator in accordance with this Act; and
- (h) designate from time to time as authorized physicians two or more physicians that the Board considers,
 - (i) have expert knowledge in respect of conditions consistent with methylmercury poisoning, and

- (ii) will be available and may be required for the purpose of providing medical reports in respect of applicants.

(2) The Board may,

Idem

- (a) prescribe the form of an application;
- (b) prescribe the contents of an affidavit that is to accompany an application;
- (c) prescribe the matters that are to be included in a certificate;
- (d) prescribe the form of medical report to be submitted with an application;
- (e) prescribe any other matter or thing that by this Act is to be or may be prescribed.

(3) The Board may, in its discretion, make an award that takes effect on a day not earlier than the day the application relating to the award was made.

Retroactive application of award

7. Where the Board considers that, after the date of the settlement,

Where conduct of applicant to be considered by Board

- (a) the conduct of an applicant has contributed and is contributing to the continuation or exacerbation of a disability;
- (b) the applicant at the time of the conduct had an understanding of its possible effects; and
- (c) the conduct occurred under circumstances where the applicant knew or ought to have known that a practical alternative form of conduct without significant disadvantage was available,

the Board,

- (d) shall consider the conduct in making or reviewing an award and may establish or vary conditions in the award; and
- (e) may, where there are clear clinical grounds for concluding that the conduct has contributed to the continuation or exacerbation of the disability or where the Board finds that any condition attached to an award under clause (d) has been disregarded, make

or vary an award to provide a benefit in such lesser amount than would otherwise be provided as the Board considers appropriate.

Fund to be established

8.—(1) There shall be established and maintained a fund to be known as the Grassy Narrows and Islington Bands Mercury Disability Fund into which shall be deposited by each Band the sum of money set out in the settlement.

Agreement between Board and administrator

(2) The Board shall make use of the services of an administrator in the investment, management and administration of the Fund and shall, subject to the approval of the Attorney General of Ontario, enter into such agreement or agreements with any person as the Board considers necessary for that purpose.

Gifts or bequests

(3) The administrator may,

- (a) accept and administer as part of the Fund any unconditional gift or bequest from any person; and
- (b) with the approval of the Board, accept and administer in accordance with the conditions attached thereto, any conditional gift or bequest from any person.

When Board not to approve acceptance of gift or bequest

(4) The Board shall not approve the acceptance of any conditional gift or bequest if the Board considers that the conditions attached thereto are not consistent with the objects of this Act or the administration of the Fund.

Income forms part of Fund

(5) The income of the Fund shall form part of the Fund.

Benefits paid out of Fund

(6) Every benefit paid by the administrator under the authority of this Act shall be paid out of the Fund.

Fees and expenses of administrator

(7) The fees and approved expenses of the administrator as provided for in the plan document shall be paid out of the Fund.

Reserves

(8) The administrator shall, in respect of each award, set aside and maintain a reserve, determined and revised from time to time in accordance with actuarial principles, in the amount estimated to be required, together with the income thereon, to provide for the payment of benefits under the award.

When undepleted balance is less than \$100,000

(9) In the event that the undepleted balance is less than \$100,000 at any time, the administrator shall thereupon give notice thereof in writing to the Bands, the Treasurer of

Ontario and the Board and thereupon the Treasurer shall from time to time as required deposit to the Fund out of the Consolidated Revenue Fund such amount of money as is required to raise the undepleted balance to not less than \$100,000.

(10) The administrator shall provide for an audit of the Fund annually and at the end of each fiscal year shall provide a copy of the auditor's report to the Bands, the Attorney General of Ontario, the Treasurer of Ontario and the Board.

Audit of
Fund

9. An applicant may, at any time before the Fund is closed, submit an application in the prescribed form for assistance from the Fund in respect of disability which the applicant believes is caused by mercury poisoning.

Application
for
assistance

10. An application shall be accompanied by,

Material to
accompany
application

- (a) an affidavit of the applicant setting out the matters prescribed;
- (b) in respect of the conditions manifested in the disability, a medical report from an authorized physician;
- (c) a certificate of the Council of the Band of which the applicant is a member setting out such matters as the Board prescribes; and
- (d) such other material as the Board prescribes.

11. Every application shall be submitted to the administrator and, in the event that an application is submitted by an applicant to the Board or to a member of the Board, the Board or the member shall forthwith transmit the application to the administrator.

Submission
of application
to
administrator

12. The administrator shall determine whether each application is in the prescribed form and, if it is not, shall provide written notice to the applicant setting out the deficiencies.

Application
to be in
prescribed
form

13. Any deficiencies may be corrected without resubmission of the entire application.

Corrections

14. Upon receipt of an application in the prescribed form, the administrator shall, within twenty-one days,

Duties of
administrator
on receipt of
application

- (a) if the application qualifies in accordance with the plan document and is accompanied by the material set out in section 10, subject to clause (c), advise

the applicant and the Board in writing that the application is accepted and specify the benefit payable in accordance with the plan document;

- (b) if the application does not appear to the administrator to qualify in accordance with the plan document or is not accompanied by the material set out in section 10, advise the applicant and the Board in writing of the reason it does not appear to qualify; or
- (c) if unable to determine whether the application qualifies, or what is the benefit payable, in accordance with the plan document, or if the administrator believes that there is any reason for the application to be considered by the Board, transmit the application to the Board together with such questions for the Board's decision as the administrator considers appropriate, and advise the applicant in writing that the application has been transmitted to the Board.

Provision
of interim
benefits to
applicant

15. When an application is transmitted to the Board under clause 14 (c), the administrator may, with the consent of the chairman, provide such benefit to the applicant as the administrator considers appropriate pending a decision from the Board and, in the event that the Board subsequently decides that an award should not be made or that a lower benefit should be provided, the amounts or the excess amounts which have been provided shall not be recovered from the applicant.

Where Board
required to
review
decision

16. An applicant or the Board or any member of the Board may, at any time after a determination by the administrator under clause 14 (a) or (b), by notice in writing to the Board or to the applicant or to the Board and the applicant respectively, require that the decision of the administrator be reviewed.

Powers of
Board

17. The Board shall, at its next meeting, or in any event within four months or, if more than two years after the coming into force of this Act, eight months after receipt of an application under clause 14 (c) or of notice under section 16, review the application and,

- (a) approve the application and make or confirm or vary an award; or
- (b) reject the application.

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of benefits

18. When an application is subject to review under section 16, the administrator shall, pending receipt of the Board's decision, provide a benefit, or not, in accordance with the

determination made under section 14 and, if the determination is varied by the award of the Board, the administrator shall not give retroactive effect to the award unless expressly so directed by the Board's decision.

19. The chairman shall set forth and certify in writing every decision of the Board and shall incorporate in the decision the answer of the Board to any question submitted by the administrator under clause 14 (c), and shall provide a copy of the decision to the applicant and to the administrator.

Chairman to
certify
decision
of Board

20. The Board may in its sole discretion, at any time after giving notice to the applicant, on its own motion or upon request from an applicant or any member of the Board or the Attorney General of Ontario, review and vary any award.

Review by
Board

21.—(1) The Board has exclusive jurisdiction to exercise the powers conferred upon it by this Act and to determine all questions of fact and law that arise in any matter before it and, subject to sections 20 and 23, every decision of the Board is final and binding and is not subject to review and, subject to this Act, shall be given effect by the administrator.

Decision
final

(2) The *Statutory Powers Procedure Act* does not apply to the Board in its exercise of a statutory power of decision under this Act.

Non-
application
of
R.S.O. 1980,
c. 484

22.—(1) The Board shall not amend the plan document, except as provided for in subsection (2), without the consent of the Attorney General of Ontario, the Minister of Indian and Northern Affairs, Canada and the Band Councils.

Consent
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document

(2) The Board may add any further condition to the plan document and assign points in respect of such condition in conformity with the distribution of points then in effect for other conditions.

Addition of
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(3) Notwithstanding anything in this Act, the Board shall make or confirm or vary each award in such amount as it considers appropriate, having regard to the nature and extent of an applicant's disability, but shall not make any award in an amount greater than the maximum benefit.

Award to be
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23. The Board shall establish its own procedure including, without limitation, the location of its meetings, and any applicant aggrieved by the procedure, even where the procedure prescribed by this Act has been followed, may request the Board to review an award under section 20.

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24.—(1) The Board may make any decision without hearing any evidence but may, in its sole discretion, hear evidence under oath and every member of the Board may examine or cross-examine any person.

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(2) Any applicant may appear and be heard at any meeting of the Board at which his or her application or award is to be considered or reviewed, and the Board shall provide notice to each applicant accordingly.

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of persons

25. No person other than a member of the Board may, except to the extent permitted by the Board in its sole discretion, examine or cross-examine any person at any meeting of the Board.

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considered

26. The Board shall consider, in respect of each condition manifested in the disability, the medical report of an authorized physician before making an award.

What Board
may consider

27. The Board shall consider any information, advice, report, evidence or other material or matter which, in its sole discretion, it deems useful for the purpose of deciding any matter including whether it may be appropriate to make or vary any award or awards, and may hear or, subject to subsection 24 (2), not hear any person.

No costs

28. The Board shall not award costs of any application.

Personal
expenses

29. The Board may, in its sole discretion, direct payment of all or part of the personal expenses of an applicant in connection with an application, whether or not the Board makes an award.

Quorum

30.—(1) The quorum of the Board shall be four of the panel established under section 5 and the decision of three or more members of the panel is the decision of the Board, and where a decision is not concurred in by three or more members of the Board,

(a) in the case of a review brought under section 16, the decision of the administrator shall be deemed to be confirmed; and

(b) in the case of an application transmitted under clause 14 (c), the application shall be deemed to be rejected.

Use of
telecommuni-
cations

(2) The Board may, with the consent of the members of the panel established under section 5 and, where applicable, of an applicant, conduct any meeting or make any decision by tele-

communications without the members being physically present in the same place.

(3) Other than for the purposes of section 32 and subject to subsection (4) of this section, not more than five members shall participate in any decision of the Board.

Five
members
only to
participate
in decision

(4) Notwithstanding section 5, the chairman may, if the nature of any decision appears to justify the consequent cost, establish a panel of all members of the Board, in which event the quorum shall be six and the decision of four or more members is the decision of the Board, and where a decision is not concurred in by four or more members of the Board,

Exception

- (a) in the case of a review brought under section 16, the decision of the administrator shall be deemed to be confirmed; and
- (b) in the case of an application transmitted under clause 14 (c), the application shall be deemed to be rejected.

31. Any member of the Board may assist an applicant in the preparation or submission of an application to the administrator or before the Board and shall not, by reason thereof, be disqualified from participating in the decision of the Board.

Assistance
to applicant
by Board
member

32.—(1) The Fund may be terminated and closed by the Board after the expiry of three consecutive years from the date of the last award or variation of an award, but in any event not sooner than the 1st day of January, 2001, and with the consent of at least six members of the Board.

Termination
of Fund

(2) The Board shall, before consenting to the Fund being closed, provide to the Minister of Indian and Northern Affairs, Canada, the Attorney General of Ontario and each of the Bands a report in respect of the efficacy of the Fund in achieving the objects of this Act.

Report of
Board

(3) Upon the Board consenting to the Fund being closed,

Duty of
administrator

- (a) the administrator shall, if then possible, purchase from the balance of the Fund for every applicant then in receipt of a benefit a life annuity in the amount of the annual benefit or, if not then possible, do so as soon as it becomes possible, and thereupon advise the Board that the Fund is closed; and
- (b) the administrator shall thereupon pay, to the extent of any balance of the Fund remaining, first to the

Treasurer of Ontario the total of any amounts paid by the Treasurer under subsection 8 (9), and then to each Band one-half of any balance remaining.

Board
dissolved

(4) Upon the acceptance by the Attorney General of Ontario of the report provided for in subsection (2) and completion of the payments by the administrator provided for in subsection (3), the Board shall be dissolved.

Indemnifi-
cation of
Treasurer
of Ontario

33. The Treasurer of Ontario shall be deemed to be and hereafter continue to be indemnified by each of the Bands, to the extent of any amounts paid to each Band under clause 32 (3) (b) together with interest calculated on such payments at a rate equal to the Consumer Price Index for Canada published by Statistics Canada, against liability for any claim by a person who would have been eligible to be an applicant but for the termination of the Fund brought against any party to the settlement in respect of the matters contemplated by the settlement.

Reciprocal
legislation
by Canada

34. This Act is enacted in contemplation of a reciprocal enactment by the Parliament of Canada for the purpose of giving effect in part to the settlement, and shall be construed accordingly.

Effect
of Act

35. This Act shall have force and effect only to the extent that it is within the legislative jurisdiction of the Legislature.

Benefits not
treated as
income for
purposes of
other Acts

36.—(1) Notwithstanding any other Act of the Legislature, the benefits paid or payable to a member of a Band under the terms of the settlement shall not be considered or treated as income for the purposes of any other Act of the Legislature and no payment to which that member is entitled under any other Act of the Legislature shall be reduced by reason of the payment or availability of benefits to that member under the terms of the settlement.

Availability
of programs
or services
not
diminished

(2) The moneys paid to the Bands in accordance with the settlement and the benefits paid from the Fund to members of the Bands shall be considered as additional to any applicable program or service offered by the Government of Ontario, and the availability to the Bands and the members thereof of such program or service shall not be diminished by reason of the moneys paid under the settlement or the benefits paid from the Fund.

Insured
services
under
R.S.O. 1980,
c. 197

37. Every examination, service, test or report provided by, or at the direction of, an authorized physician in respect of an applicant in accordance with a requirement of the plan

document, the administrator or the Board shall be deemed to be an insured service under the *Health Insurance Act*.

38. For greater certainty, Ontario Supreme Court Action Number 14716/77 (Judicial District of York) shall be deemed to be a representative action, and its disposition in accordance with the settlement shall not be called into question in any court.

Representative action

39. All existing and future rights of action of the Bands and of every past, existing or future member of the Bands, and the estates thereof, in respect of claims and causes of action which are the subject of the settlement are, in consideration of and pursuant to the settlement, abolished.

Existing and future rights of action abolished

40.—(1) The total liability in respect of any claim by a past, present or future member of a Band or a registered Indian customarily resident on a reserve before the 1st day of October, 1985, brought against any party to the settlement in respect of matters contemplated by the settlement, whether brought before or after the Fund is closed, shall be not more than the cost, at the time of the claim, of a life annuity in the amount of the annual maximum benefit payable from the Fund at the time the claim was brought or immediately prior to the Fund being closed, as the case may be.

Limitation on liability in respect of claims

(2) Section 33 and this section shall not be deemed to contemplate that any claim described in section 33, notwithstanding the other provisions of this Act, may be brought or maintained.

Does not contemplate claims may be brought

41. The settlement is entire and the consideration flowing to the Bands and their present and future members therefrom shall be deemed to flow to every such member, and the settlement shall not be deemed to be divided between the Bands and their present and future members by this Act or anything done under the authority of this Act.

Settlement entire

42. The Lieutenant Governor in Council may make regulations prescribing, for the purposes of subsection 4 (5), the procedures to be followed in the collection of the costs of the Board and in the payment of the moneys received to the persons entitled thereto.

Regulations

43. The moneys required to be paid by Ontario in accordance with the terms of the settlement, including the payment of interest thereon where provided for in the settlement at the rate of 8.52 per cent per annum compounded annually from the 15th day of October, 1985, shall be paid out of the Consolidated Revenue Fund.

Moneys

Commence-
ment

44. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

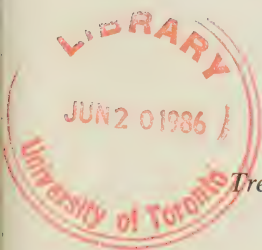
Short title

45. The short title of this Act is the *English and Wabigoon River Systems Mercury Contamination Settlement Agreement Act, 1986*.

A20N
B
B 56

Bill 77

An Act to revise the Representation Act



The Hon. R. Nixon

Treasurer of Ontario and Minister of Economics

1st Reading June 11th, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The Bill, in accordance with the Report on redistribution presented by the Ontario Electoral Boundaries Commission, increases the number of members in the Legislative Assembly from 125 to 130, one member to be returned from each electoral district described in the Schedule, and will take effect following the first dissolution of the Legislature that occurs after the 31st day of August, 1986. The appointment of returning officers under the *Election Act, 1984* and the registration of constituency associations under the *Election Finances Reform Act*, in accordance with the new electoral districts described in the Bill, may, however, commence upon the Bill receiving Royal Assent.

Bill 77

1986

An Act to revise the Representation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The boundaries of every territorial district, county, city, town, village, township, improvement district, borough, district municipality, regional municipality and ward in any municipality shall for the purpose of this Act be deemed to be the boundaries of such territorial district, county, city, town, village, township, improvement district, borough, district municipality, regional municipality and ward as defined by statute, by-law, proclamation or other lawful authority on the 6th day of January, 1986. Boundaries
2. The Legislative Assembly of Ontario shall consist of one hundred and thirty members. Number of members
- 3.—(1) Ontario shall, for the purpose of representation in the Assembly, be divided into electoral districts as set out in the Schedule. Division of Ontario into electoral districts
- (2) One member shall be returned to the Assembly for each electoral district. One member per electoral district
4. The boundaries of the electoral districts as set out in the Schedule shall not be affected by alterations in municipal or ward boundaries made after the 6th day of January, 1986. Changes in municipal or ward boundaries
5. Where a county, city, town, village, township, improvement district, borough, district municipality or regional municipality becomes incorporated and is not expressly included in an electoral district set out in the Schedule but is situated in part in two or more of such electoral districts, the electors entitled to vote in such municipality are entitled to vote in the electoral district in which they would have been entitled to vote if the county, city, town, village, township, improvement district, borough, district municipality or regional municipality had not become incorporated. Municipalities on boundary lines

Augmen-
tation
or gores of
townships

6. Except as otherwise expressly set out in the Schedule, every augmentation or gore of a township shall for the purposes of this Act be considered as forming part of the electoral district in which the township is situated.

Municipalities
included in
electoral
district in
which situate

7. Every county, city, town, village, township, improvement district, borough, district municipality and regional municipality heretofore or hereafter incorporated, situate wholly within an electoral district as set out in the Schedule and not expressly included in any other electoral district in the Schedule, shall form part of the electoral district in which it is situate.

Special Act
overruled

8. Every county, city, town, village, township, improvement district, borough, district municipality or regional municipality that by the provisions of any special Act passed before this Act comes into force forms or forms part of an electoral district shall, notwithstanding such provisions, form or form part of the electoral district or districts in which it is included in the Schedule.

Repeal

9. The *Representation Act*, being chapter 450 of the Revised Statutes of Ontario, 1980, is repealed.

Commence-
ment

10.—(1) This Act comes into force and has effect upon the first dissolution of the Legislature that occurs after the 31st day of August, 1986.

Idem
1984, c. 54

R.S.O. 1980,
c. 134

(2) Notwithstanding subsection (1), for the purposes only of the appointment of returning officers under the *Election Act, 1984* and the registration of constituency associations under the *Election Finances Reform Act*, and matters ancillary thereto, to be in effect for the purposes of an election held after the dissolution of the Legislature specified in subsection (1), the electoral districts set out in the Schedule shall be deemed to be established on the day this Act receives Royal Assent.

Short title

11. The short title of this Act is the *Representation Act, 1986*.

SCHEDULE

In the following descriptions,

- (a) a reference to a road, water feature or railway line signifies the centre line of the road, water feature or railway line, unless otherwise provided;
- (b) a reference to a territorial division or a municipality refers to the territorial division or municipality as it existed on the 6th day of January, 1986; and
- (c) every city, town, village, township, improvement district, development area and Indian reserve lying within the perimeter of an electoral district is included in the electoral district unless otherwise provided.

ELECTORAL DISTRICTS

THE ELECTORAL DISTRICT OF ALGOMA—consists of that part of the Territorial District of Algoma, but excluding the geographic townships of Ebbs and Templeton, lying northerly of a line described as follows: Commencing at the southeast corner of the geographic Township of Redden; thence westerly along the south boundary of the geographic townships of Redden, Prescott, Plourde, Piche, Viel and Sagard to the northeast corner of the geographic Township of Nicholas; thence southerly along the east boundary of the geographic Township of Nicholas to the northwest corner of the Town of Elliot Lake; thence southerly along the west limit of the Town of Elliot Lake to the northwest corner of the Township of The North Shore; thence southerly along the west boundary of that township to the southerly boundary of the Territorial District of Algoma; thence westerly along that boundary to the easterly limit of the City of Sault Ste. Marie; thence northerly along the easterly boundary of the City of Sault Ste. Marie to the northeast corner thereof; thence westerly along the north boundary of that city to the northwest corner thereof; thence southerly along the east boundary of the Township of Prince to the southeast corner thereof; thence westerly along the south boundary of the Township of Prince to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF ALGOMA-MANITOULIN—consists of the Territorial District of Manitoulin and that part of the territorial districts of Algoma and Sudbury lying within the following limits: Commencing at the intersection of the southerly boundary of the Territorial District of Sudbury with the east boundary of the geographic Township of Curtin; thence northerly along the east boundary of the geographic townships of Curtin and Foster to the northeast corner of the last mentioned township; thence westerly along the north boundary of the geographic townships of Foster and Merritt to the northeast corner of the Town of Espanola; thence westerly along the north boundary of the said town to the northwest corner thereof; thence westerly along the north boundary of the geographic Township of Merritt to the southeast corner of the geographic Township of Shakespeare; thence westerly along the south boundary of the geographic townships of Shakespeare and Gough to the southeast corner of the geographic Township of Tennyson; thence northerly along the east boundary of the geographic townships of Tennyson, Boon, Mandamin and Strain to the northeast corner of the last mentioned township; thence westerly along the north boundary of the geographic townships of Strain, Teasdale, Poncet, Hughson, Hembruff and Rimbault to the northwest corner of the last mentioned township; thence southerly along the west boundary of the said township to the northwest corner of the Town of Elliott Lake; thence southerly along the west limit of the said town to the northwest corner of the Township of The North Shore; thence southerly along the west boundary of the said township to the southerly boundary of the Territorial District of Algoma; thence easterly along the southerly boundary of the territorial districts of Algoma and Sudbury to the point of commencement.

THE ELECTORAL DISTRICT OF ARMOURDALE—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Yonge Street with the northerly limit of the City of North York; thence easterly along the said limit to Leslie Street; thence southerly along Leslie Street to the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to Bathurst Street; thence northerly along Bathurst Street to Finch Avenue West; thence easterly along Finch Avenue West to Yonge Street; thence northerly along Yonge Street to the point of commencement.

THE ELECTORAL DISTRICT OF BEACHES-WOODBINE—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Queen Street East with Greenwood Avenue; thence northerly along Greenwood Avenue to the Canadian National railway line; thence northeasterly along the said railway line to Coxwell Avenue; thence northerly along Coxwell Avenue to the northerly limit of the City of Toronto; thence easterly along the said limit to the easterly limit of the said city; thence southerly along the said limit to the southeasterly corner of the City of Toronto; thence westerly along the southerly limit of the said city to the southerly prolongation of Leslie Street; thence northerly along the said prolongation to and along Leslie Street to Queen Street East; thence easterly along Queen Street East to the point of commencement.

THE ELECTORAL DISTRICT OF BRAMPTON NORTH—consists of that part of the City of Brampton lying northerly of a line described as follows: Commencing at the intersection of the easterly limit of the City of Brampton with the King's Highway No. 7; thence westerly along the said Highway to Queen Street East; thence westerly along Queen Street East to Kennedy Road; thence northerly along Kennedy Road to Vodden Street; thence westerly along Vodden Street to Main Street; thence northerly along Main Street and the King's Highway No. 10 to the King's Highway No. 7; thence westerly along said Highway to the westerly limit of the City of Brampton.

THE ELECTORAL DISTRICT OF BRAMPTON SOUTH—consists of that part of the City of Brampton lying southerly of a line described as follows: Commencing at the intersection of the easterly limit of the City of Brampton with the King's Highway No. 7; thence westerly along the said Highway to Queen Street East; thence westerly along Queen Street East to Kennedy Road; thence northerly along Kennedy Road to Vodden Street; thence westerly along Vodden Street to Main Street; thence northerly along Main Street and the King's Highway No. 10 to the King's Highway No. 7; thence westerly along said Highway to the westerly limit of the City of Brampton.

THE ELECTORAL DISTRICT OF BRANTFORD—consists of the City of Brantford.

THE ELECTORAL DISTRICT OF BRANT-HALDIMAND—consists of the County of Brant but excluding the City of Brantford; the towns of Dunnville and Haldimand, Indian reserves No. 40 and No. 40A, and the Township of North Dumfries but excluding that part lying within the geographic Township of Beverly.

THE ELECTORAL DISTRICT OF BRUCE—consists of the County of Bruce.

THE ELECTORAL DISTRICT OF BURLINGTON SOUTH—consists of that part of the City of Burlington lying southerly and westerly of a line described as follows: Commencing at the intersection of the southwesterly limit of the City of Burlington with the King's Highway No. 403; thence northeasterly along said Highway to the Queen Elizabeth Way; thence northeasterly along the Queen Elizabeth Way to the northeasterly limit of the City of Burlington; thence southeasterly along the said limit to New Street; thence southwesterly along New Street to Appleby Line; thence southeasterly along Appleby Line to Appleby Place; thence southeasterly along Appleby Place and its southeast-

erly prolongation to the shore of Lake Ontario; thence northeasterly along the said shore to the northeasterly limit of the City of Burlington.

THE ELECTORAL DISTRICT OF CAMBRIDGE—consists of the City of Cambridge and of that part of the Township of North Dumfries lying within the geographic Township of Beverly.

THE ELECTORAL DISTRICT OF CARLETON—consists of the City of Kanata and the townships of Goulbourn, Osgoode, Rideau and West Carleton.

THE ELECTORAL DISTRICT OF CARLETON EAST—consists of the Village of Rockcliffe Park and of that part of the cities of Gloucester and Ottawa lying within the following limits: Commencing at the intersection of the easterly limit of the City of Ottawa with the Queensway; thence easterly along the Queensway to Blair Road; thence northerly along Blair Road to Montreal Road; thence westerly along Montreal Road to the easterly limit of the City of Vanier; thence northerly along the said limit to Beechwood Avenue; thence southwesterly along Beechwood Avenue to the limit between the City of Ottawa and the Village of Rockcliffe Park; thence northerly and westerly along the said limit to the most northwesterly corner of the Village of Rockcliffe Park; thence northeasterly along the northwesterly limit of the Village of Rockcliffe Park to Princess Avenue; thence northwesterly along Princess Avenue to Rockcliffe Driveway; thence north 45° 00' west to the Interprovincial Boundary between Ontario and Quebec; thence easterly along the said Interprovincial Boundary to the northeasterly corner of the City of Gloucester; thence southerly, westerly and northerly along the easterly, southerly and westerly limits of the City of Gloucester to the northwesterly corner of the said city; thence easterly along the northerly limit of the City of Gloucester to the westerly limit of the Ottawa International Airport; thence southerly along the said limit to Leitrim Drive; thence easterly along Leitrim Drive to Albion Road; thence northerly along Albion Road to Leitrim Road; thence easterly along Leitrim Road to the King's Highway No. 31; thence northerly along said Highway to Conroy Road; thence northerly along Conroy Road to the southerly limit of the City of Ottawa; thence easterly and northerly along the southerly and easterly limits of the City of Ottawa to the point of commencement.

THE ELECTORAL DISTRICT OF CHATHAM-KENT—consists of the City of Chatham, the towns of Bothwell, Dresden and Wallaceburg and the townships of Camden, Chatham, Dover and Zone.

THE ELECTORAL DISTRICT OF COCHRANE NORTH—consists of the geographic townships of Ebbs and Templeton; that part of the Territorial District of Cochrane lying northerly and westerly of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with the water's edge along the southerly shore of Lake Abitibi; thence northwesterly along that water's edge to the south boundary of the geographic Township of Galna; thence westerly along the south boundary of the geographic townships of Galna and Moody to the north limit of the Town of Iroquois Falls; thence westerly along the said limit to the northeast corner of the geographic Township of Teffy; thence westerly along the north boundary of the said township to the northwest corner thereof; thence westerly along the north limit of the Town of Iroquois Falls to the northwest corner thereof; thence southerly along the west limit of the said town to the north limit of the City of Timmins; thence westerly along the north limit of the said city to the northwest corner thereof; thence westerly along the north boundary of the geographic Township of Byers to the northwest corner thereof; thence southerly along the west boundary of the geographic townships of Byers, Cote and Massey to the south boundary of the geographic Township of Enid; and that part of the Territorial District of Kenora lying easterly of a line described as follows: Commencing at the northerly extremity of the boundary

between the territorial districts of Cochrane and Thunder Bay; thence north-erly along a meridian line to the 212 Mile Post planted thereon by A. Tarvy-das, O.L.S., in 1958; thence north astronomically to the shore of Hudson Bay.

THE ELECTORAL DISTRICT OF COCHRANE SOUTH—consists of that part of the Territorial District of Cochrane lying southerly and easterly of a line described as fol-lows: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with the water's edge along the southerly shore of Lake Abitibi; thence northwesterly along that water's edge to the south boundary of the geographic Township of Galna; thence westerly along the south boundary of the geographic townships of Galna and Moody to the north limit of the Town of Iroquois Falls; thence westerly along the said limit to the northeast corner of the geographic Township of Teefy; thence westerly along the north boundary of the said township to the northwest corner there-of; thence westerly along the north limit of the Town of Iroquois Falls to the northwest corner thereof; thence southerly along the west limit of the said town to the north limit of the City of Timmins; thence westerly along the north limit of the said city to the northwest corner thereof; thence westerly along the north boundary of the geographic Township of Byers to the north-west corner thereof; thence southerly along the west boundary of the geo-graphic townships of Byers, Cote and Massey to the south boundary of the geographic Township of Enid.

THE ELECTORAL DISTRICT OF CORNWALL—consists of the City of Cornwall, the townships of Charlottenburgh and Cornwall, and Indian Reserve No. 59.

THE ELECTORAL DISTRICT OF DON MILLS—consists of that part of the City of North York and of the Borough of East York lying within the following limits: Commencing at the intersection of Lawrence Avenue East with the easterly limit of the City of North York; thence southerly along the easterly limit of the City of North York and of the Borough of East York to the southerly limit of the said borough; thence westerly along the said southerly limit to Chisholm Avenue; thence northerly along Chisholm Avenue and its northerly prolongation to Taylor Creek; thence northwesterly along Taylor Creek to the Don River; thence westerly along the Don River to Don Mills Road; thence northerly along Don Mills Road to the southerly limit of the City of North York; thence northwesterly, westerly and northerly along the said limit to the easterly extremity of the course thereon oriented in an easterly and westerly direction and situated immediately north of Glen Echo Road; thence easterly on the easterly prolongation of the said course to the Don River West Branch; thence southeasterly along the Don River West Branch to the westerly prolongation of Lawrence Avenue East; thence easterly along the said prolongation to and along Lawrence Avenue East to the point of com-mencement.

THE ELECTORAL DISTRICT OF DOVERCOURT—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of the south-erly limit of the City of York with Bathurst Street; thence southerly along Bathurst Street to Bloor Street West; thence westerly along Bloor Street West to the Canadian National railway line situated immediately west of Helens Avenue; thence northerly along the said railway line to St. Clair Ave-nue West; thence westerly along St. Clair Avenue West to the Canadian National railway line situated immediately northeast of Weston Road; thence northwesterly along the said railway line to the northerly limit of the City of Toronto; thence easterly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF DOWNSVIEW—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Black Creek with the northerly limit of the City of North York; thence east-erly along the said limit to Dufferin Street; thence southerly along Dufferin

Street to Allen Road; thence southerly along Allen Road to the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to Jane Street; thence northerly along Jane Street to Finch Avenue West; thence easterly along Finch Avenue West to Black Creek; thence northerly along Black Creek to the point of commencement.

THE ELECTORAL DISTRICT OF DUFFERIN-PEEL—consists of the County of Dufferin and the Town of Caledon.

THE ELECTORAL DISTRICT OF DURHAM CENTRE—consists of that part of the Town of Whitby lying southerly of Taunton Road and that part of the City of Oshawa lying within the following limits: Commencing at the intersection of the westerly limit of the City of Oshawa with King Street West; thence easterly along King Street West to Ritson Road North; thence northerly along Ritson Road North to Taunton Road; thence westerly along Taunton Road to the westerly limit of the City of Oshawa; thence southerly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF DURHAM EAST—consists of that part of the City of Oshawa lying northerly of Taunton Road, that part of the Town of Whitby lying northerly of Taunton Road, the Town of Newcastle, the townships of Manvers and Scugog and Indian Reserve No. 34.

THE ELECTORAL DISTRICT OF DURHAM WEST—consists of the towns of Ajax and Pickering.

THE ELECTORAL DISTRICT OF EGLINTON—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Eglinton Avenue West with Latimer Avenue; thence northerly along Latimer Avenue to Roselawn Avenue; thence easterly along Roselawn Avenue to Castlewood Road; thence northerly along Castlewood Road to Briar Hill Avenue; thence westerly along Briar Hill Avenue to the southerly prolongation of the course in the northerly limit of the City of Toronto oriented in a northerly and southerly direction and situated immediately west of Proudfoot Avenue; thence northerly along the said prolongation to the northerly limit of the City of Toronto; thence northerly, easterly and southerly along the said limit to the westerly limit of the Borough of East York; thence southerly along the said limit to the southerly limit of Mount Pleasant Cemetery; thence westerly along the said limit to Yonge Street; thence northerly along Yonge Street to the abandoned Canadian National railway line situated immediately south of Merton Street; thence northwesterly along the said railway line to the southerly prolongation of Duncannon Drive; thence northerly along the said prolongation to and along Duncannon Drive to Eglinton Avenue West; thence westerly along Eglinton Avenue West to the point of commencement.

THE ELECTORAL DISTRICT OF ELGIN—consists of the County of Elgin.

THE ELECTORAL DISTRICT OF ESSEX-KENT—consists of the towns of Belle River, Blenheim, Ridgetown and Tilbury, the villages of Erie Beach, Erieau, Highgate, Thamesville and Wheatley, and the townships of Harwich, Howard, Maidstone, Orford, Raleigh, Rochester, Romney, Sandwich South, Tilbury East, Tilbury North and Tilbury West.

THE ELECTORAL DISTRICT OF ESSEX SOUTH—consists of the towns of Amherstburg, Essex, Harrow, Kingsville and Leamington, and the townships of Anderdon, Colchester North, Colchester South, Gosfield North, Gosfield South, Malden, Mersea and Pelee.

THE ELECTORAL DISTRICT OF ETOBICOKE-HUMBER—consists of that part of the City of Etobicoke lying within the following limits: Commencing at the intersection of Bloor Street West with Kipling Avenue; thence northerly along Kipling Avenue to The Westway; thence westerly along The Westway to Martin

Grove Road; thence northerly along Martin Grove Road to the Macdonald-Cartier Freeway; thence northeasterly along the Macdonald-Cartier Freeway to the easterly limit of the City of Etobicoke; thence southeasterly along the said limit to Bloor Street West; thence westerly along Bloor Street West to the point of commencement.

THE ELECTORAL DISTRICT OF ETOBICOKE-LAKESHORE—consists of that part of the City of Etobicoke lying southerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Etobicoke with the Canadian Pacific railway line; thence northeasterly along the said railway line to Kipling Avenue; thence northerly along Kipling Avenue to Bloor Street West; thence easterly along Bloor Street West to the easterly limit of the City of Etobicoke.

THE ELECTORAL DISTRICT OF ETOBICOKE-REXDALE—consists of that part of the City of Etobicoke lying northerly of the Macdonald-Cartier Freeway.

THE ELECTORAL DISTRICT OF ETOBICOKE WEST—consists of that part of the City of Etobicoke lying within the following limits: Commencing at the intersection of the Canadian Pacific railway line with the westerly limit of the City of Etobicoke; thence northerly along the said limit to the Macdonald-Cartier Freeway; thence northeasterly along the Macdonald-Cartier Freeway to Martin Grove Road; thence southerly along Martin Grove Road to The Westway; thence easterly along The Westway to Kipling Avenue; thence southerly along Kipling Avenue to the Canadian Pacific railway line; thence southwest-erly along the said railway line to the point of commencement.

THE ELECTORAL DISTRICT OF FORT WILLIAM—consists of that part of the Territorial District of Thunder Bay lying within the following limits: Commencing at the intersection of the International Boundary between Canada and the United States of America with a line drawn on a course of south astronomic from the southwest corner of the geographic Township of Devon; thence north astronomically along the said line to the southwest corner of the said township; thence northerly along the west boundary of the geographic townships of Devon, Fraleigh, Lybster and Marks to the northwest corner of the last mentioned township; thence easterly along the north boundary of the geographic Township of Marks to the northwest corner of the Township of O'Connor; thence easterly along the north boundary of the said township to the northeast corner thereof; thence southerly along the east boundary of the Township of O'Connor to the northwest corner of the Township of Pappoo; thence easterly along the north boundary of the said township to the northeast corner thereof; thence easterly along the north boundary of the former Township of Neebing and of the former City of Fort William, both as existing prior to January 1, 1970, to the Lakehead Expressway; thence northerly along the Lakehead Expressway to the Harbour Access Route; thence easterly along the Harbour Access Route to Golf Links Road; thence southerly along Golf Links Road to the north limit of the former City of Fort William, as existing prior to January 1, 1970; thence easterly along the said limit and its easterly prolongation to the line of longitude 89° 00'; thence south astronomically along the said line of longitude to the International Boundary between Canada and the United States of America; thence southwest-erly and westerly along the said International Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF FORT YORK—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Ossington Avenue with Bloor Street West; thence easterly along Bloor Street West to Bathurst Street; thence southerly along Bathurst Street to College Street; thence easterly along College Street to Carlton Street; thence easterly along Carlton Street to Sherbourne Street; thence southerly along Sherbourne Street and its southerly prolongation to the water's edge of Inner Harbour;

thence easterly along the said water's edge to the northerly prolongation of the centre line of Eastern Channel of Inner Harbour; thence southerly along the said prolongation to and along the said centre line to the southerly extremity thereof; thence southerly along the prolongation of the said centre line to the southerly limit of the City of Toronto; thence westerly and northwesterly along the southerly and southwesterly limits of the said city to the southerly prolongation of Strachan Avenue; thence northerly along the said prolongation to and along Strachan Avenue to the Gardiner Expressway; thence westerly along the Gardiner Expressway to the southerly prolongation of Atlantic Avenue; thence northerly along the said prolongation to and along Atlantic Avenue to King Street West; thence easterly along King Street West to the southerly prolongation of Dovercourt Road; thence northerly along the said prolongation to and along Dovercourt Road to College Street; thence easterly along College Street to Ossington Avenue; thence northerly along Ossington Avenue to the point of commencement.

THE ELECTORAL DISTRICT OF FRONTENAC-ADDINGTON—consists of that part of the County of Frontenac lying northerly of a line described as follows: Commencing at the intersection of the easterly limit of the Township of Pittsburgh with the Macdonald-Cartier Freeway; thence southwesterly along the Macdonald-Cartier Freeway to the northerly limit of the City of Kingston; thence westerly and southerly along the northerly and westerly limits of the City of Kingston to the shore of Lake Ontario; thence westerly along the said shore to the westerly boundary of the Township of Kingston; and that part of the County of Lennox and Addington lying northerly of a line described as follows: Commencing at the southeasterly corner of the Township of Camden East; thence westerly along the southerly boundary of the Township of Camden East to the southeasterly corner of the Village of Newburgh; thence westerly along the southerly limit of the said village to the southerly boundary of the Township of Camden East; thence westerly along the southerly limit of the said township to the southwesterly corner thereof; thence northerly along the westerly boundary of the said township to the northeasterly corner of the Township of Richmond.

THE ELECTORAL DISTRICT OF GREY—consists of the County of Grey.

THE ELECTORAL DISTRICT OF GUELPH—consists of the City of Guelph.

THE ELECTORAL DISTRICT OF HALTON CENTRE—consists of that part of the City of Burlington lying northerly and westerly of a line described as follows: Commencing at the intersection of the southwesterly limit of the City of Burlington with the King's Highway No. 403; thence northeasterly along said Highway to the Queen Elizabeth Way; thence northeasterly along the Queen Elizabeth Way to the northeasterly limit of the City of Burlington; and that part of the Town of Milton lying southerly of Derry Road; and that part of the Town of Oakville lying northerly of the Queen Elizabeth Way.

THE ELECTORAL DISTRICT OF HALTON NORTH—consists of the Town of Halton Hills and that part of the Town of Milton lying northerly of Derry Road.

THE ELECTORAL DISTRICT OF HAMILTON CENTRE—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of Queen Street with King Street; thence westerly along King Street to Chedoke Expressway; thence northerly along Chedoke Expressway to the Desjardins Canal; thence westerly along said canal to the westerly limit of the City of Hamilton; thence northerly and easterly along the westerly and northerly limits of the said city to the northerly prolongation of Sherman Avenue; thence southerly along the said prolongation to and along Sherman Avenue to Cannon Street; thence easterly along Cannon Street to Gage Avenue; thence southerly along Gage Avenue and its southerly prolongation to the brow of Hamilton Mountain; thence westerly along the said brow to the southerly

prolongation of Queen Street; thence northerly along the said prolongation to and along Queen Street to the point of commencement.

THE ELECTORAL DISTRICT OF HAMILTON EAST—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of the easterly limit of the City of Hamilton with Queenston Road; thence westerly along Queenston Road to Redhill Creek; thence southerly along Redhill Creek to the brow of Hamilton Mountain; thence westerly along the said brow to the southerly prolongation of Gage Avenue; thence northerly along the said prolongation to and along Gage Avenue to Cannon Street; thence westerly along Cannon Street to Sherman Avenue; thence northerly along Sherman Avenue and its northerly prolongation to the northerly limit of the City of Hamilton; thence easterly along the northerly limit of the said city to the northeasterly corner thereof; thence southerly along the easterly limit of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF HAMILTON MOUNTAIN—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of the southerly limit of the City of Hamilton with Upper James Street; thence northerly along Upper James Street to Fennell Avenue; thence easterly along Fennell Avenue to Upper Wellington Street; thence northerly along Upper Wellington Street and its northerly prolongation as aligned between Inverness Avenue and Concession Avenue to the brow of Hamilton Mountain; thence easterly along the said brow to the easterly limit of the City of Hamilton; thence southerly and westerly along the easterly and southerly limits of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF HAMILTON WEST—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of Upper James Street with the southerly limit of the City of Hamilton; thence westerly and northerly along the southerly and westerly limits of the said city to the Desjardins Canal; thence easterly along the said canal to the Chedoke Expressway; thence southerly along the Chedoke Expressway to King Street; thence easterly along King Street to Queen Street; thence southerly along Queen Street and its southerly prolongation to the brow of Hamilton Mountain; thence easterly along the said brow to the northerly prolongation of Upper Wellington Street as aligned between Inverness Avenue and Concession Avenue; thence southerly along the said prolongation to and along Upper Wellington Street to Fennell Avenue; thence westerly along Fennell Avenue to Upper James Street; thence southerly along Upper James Street to the point of commencement.

THE ELECTORAL DISTRICT OF HASTINGS-PETERBOROUGH—consists of that part of the County of Hastings lying northerly of a line described as follows: Commencing at the southwesterly corner of the Township of Rawdon; thence easterly along the southerly boundary of the said township to the westerly limit of the Village of Stirling; thence southerly, easterly and northerly along the westerly, southerly and easterly limits of the said village to the southerly boundary of the Township of Rawdon; thence easterly along the said boundary to the southwesterly corner of the Township of Huntingdon; thence easterly along the southerly boundary of the said township to the southwesterly corner of the Township of Hungerford; thence easterly along the southerly boundary of the said township to the southeasterly corner thereof; and the villages of Havelock, Lakefield and Norwood, and the townships of Asphodel, Belmont and Methuen, Burleigh and Anstruther, Chandos, Douro, Dummer, Galway and Cavendish, Harvey, and Otonabee.

THE ELECTORAL DISTRICT OF HIGH PARK-SWANSEA—consists of that part of the City of Toronto lying westerly of a line described as follows: Commencing at the intersection of the northerly limit of the City of Toronto with the Canadian National railway line situated immediately northeast of Weston Road; thence

southeasterly along the said railway line to St. Clair Avenue West; thence easterly along St. Clair Avenue West to the Canadian National railway line situated immediately west of Caledonia Park Road; thence southerly along the said railway line to Bloor Street West; thence westerly along Bloor Street West to Dundas Street West; thence southerly along Dundas Street West to Roncesvalles Avenue; thence southerly along Roncesvalles Avenue and its southerly prolongation to the southwesterly limit of the City of Toronto.

THE ELECTORAL DISTRICT OF HURON—consists of the County of Huron.

THE ELECTORAL DISTRICT OF KENORA—consists of that part of the Territorial District of Kenora lying northerly and westerly of a line described as follows: Commencing at the intersection of the International Boundary between Canada and the United States of America with a line drawn west astronomic from the westerly extremity of the 4th Base Line at the westerly shore of Aulneau Peninsula; thence east astronomically along the said line to the westerly extremity of the said 4th Base Line; thence easterly along the said base line to the 6th Meridian Line surveyed by A. Niven, O.L.S., in 1894; thence northerly along the 6th Meridian Line to the southwest corner of the geographic Township of Wainwright; thence easterly along the south boundary of the said township to the northwest corner of the Town of Dryden; thence southerly and easterly along the westerly and southerly limits of the said town to the west limit of the Township of Barclay; thence northerly, easterly and southerly along the west, north and east limits of the said township to the south boundary of the geographic Township of Brownridge; thence easterly along the south boundary of the geographic townships of Brownridge, Laval and McAree to the southeast corner of the last mentioned township; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the southwest corner of Block 9; thence easterly along the south boundary of the said block to the southeast corner thereof; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the boundary between the territorial districts of Kenora and Thunder Bay; thence northerly along the said boundary to the northwesterly corner of the Territorial District of Thunder Bay; thence continuing northerly along a meridian line to the 215 + 78.207 Mile Post planted thereon by A. Tarydas, O.L.S., in 1957; thence north astronomically to the Interprovincial Boundary between Ontario and Manitoba.

THE ELECTORAL DISTRICT OF KINGSTON AND THE ISLANDS—consists of the City of Kingston, the townships of Amherst Island, Howe Island, and Wolfe Island, and that part of the Township of Pittsburgh lying southerly of the Macdonald-Carrier Freeway.

THE ELECTORAL DISTRICT OF KITCHENER—consists of that part of the City of Kitchener lying northerly and westerly of the Conestoga Parkway.

THE ELECTORAL DISTRICT OF KITCHENER-WILMOT—consists of the Township of Wilmot and that part of the City of Kitchener lying southerly and easterly of the Conestoga Parkway.

THE ELECTORAL DISTRICT OF LAKE NIPIGON—consists of the community of English River in the Territorial District of Kenora and that part of the territorial districts of Kenora and Thunder Bay lying within the following limits: Commencing at the 215 + 78.207 Mile Post planted on a meridian line in the Territorial District of Kenora surveyed by A. Tarydas, O.L.S., in 1957; thence southerly along that meridian line to the northerly extremity of the west boundary of the Territorial District of Thunder Bay; thence southerly along the said boundary to the International Boundary between Canada and the United States of America; thence easterly along the said International Boundary to the intersection with a line drawn south astronomic from the southeast corner of the geographic Township of Hartington; thence north astronomically along that line to the southeast corner of the geographic Township of Hartington;

thence northerly along the east boundary of the geographic townships of Hartington, Lismore, Strange, Aldina, Sackville, Laurie and Blackwell to the northeast corner of the last mentioned township; thence easterly along the south boundary of the geographic Township of Soper and of Block 1 to the southeast corner of Block 1; thence northerly along the east boundary of Block 1 to the northwest corner of the geographic Township of Fowler; thence easterly along the north boundary of the geographic townships of Fowler and Jacques to the northeast corner of the last mentioned township; thence southerly along the east boundary of the said township to the north boundary of the geographic Township of Gorham; thence easterly along the north boundary of the said township to the northeast corner thereof; thence southerly along the east boundary of the geographic Township of Gorham to the northwest corner of the Township of Shuniah; thence easterly and northerly along the north and west boundaries of the Township of Shuniah to the southwest corner of the Township of Dorion; thence easterly along the south boundary of the said township to the southeast corner thereof; thence east astronomically to the centre line of Black Bay of Lake Superior; thence southerly along that centre line to the southerly extremity thereof; thence south astronomically to the International Boundary between Canada and the United States of America; thence northeasterly and southeasterly along the said International Boundary to the southeast corner of the Territorial District of Thunder Bay; thence northerly, westerly and northerly along the east boundary of the Territorial District of Thunder Bay to the northeast corner thereof; thence northerly along a meridian line to the 212 Mile Post planted thereon by A. Tarvydas, O.L.S., in 1958; thence north astronomically to the shore of Hudson Bay; thence northwesterly along the said shore to the Interprovincial Boundary between Ontario and Manitoba; thence southwestwardly along the said Interprovincial Boundary to the intersection with a line drawn north astronomic from the point of commencement; thence south astronomically along the said line to the point of commencement.

THE ELECTORAL DISTRICT OF LAMBTON—consists of that part of the County of Lambton lying southerly and easterly of a line described as follows: Commencing at the southwesterly corner of Indian Reserve No. 45; thence easterly along the southerly boundary of Indian Reserve No. 45 to the southeasterly corner thereof; thence northerly along the easterly limit of Indian Reserve No. 45 to the easterly limit of the City of Sarnia; thence northerly along the said limit to Confederation Street; thence easterly along Confederation Street to Modeland Road; thence northerly along Modeland Road and its northerly prolongation to the northerly boundary of the Township of Sarnia.

THE ELECTORAL DISTRICT OF LANARK-RENFREW—consists of the County of Lanark, the towns of Arnprior and Renfrew, the Village of Braeside and the townships of Admaston, Bagot and Blithfield, Horton and McNab.

THE ELECTORAL DISTRICT OF LAWRENCE—consists of that part of the City of North York lying southerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of North York with the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to Allen Road; thence southerly along Allen Road to the westerly prolongation of Baycrest Avenue; thence easterly along the said prolongation to and along Baycrest Avenue to Bathurst Street; thence southerly along Bathurst Street to Old Orchard Grove; thence easterly along Old Orchard Grove to the southerly limit of the City of North York.

THE ELECTORAL DISTRICT OF LEEDS-GRENVILLE—consists of the County of Leeds, the Town of Prescott, the Village of Merrickville and the townships of Augusta and Wolford.

THE ELECTORAL DISTRICT OF LINCOLN—consists of the towns of Grimsby, Lincoln and Pelham, the Township of West Lincoln, and that part of the City of St.

Catharines lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of St. Catharines with Twelve Mile Creek; thence northerly along Twelve Mile Creek to the Queen Elizabeth Way; thence westerly along the Queen Elizabeth Way to Martindale Road; thence northerly along Martindale Road to Lakeshore Road West; thence westerly along Lakeshore Road West to Courtleigh Road; thence northerly along Courtleigh Road and its northerly prolongation to the northerly limit of the City of St. Catharines.

THE ELECTORAL DISTRICT OF LONDON CENTRE—consists of that part of the City of London lying within the following limits: Commencing at the intersection of Oxford Street with Highbury Avenue; thence northerly along Highbury Avenue to Huron Street; thence easterly along Huron Street to Clarke Side Road; thence southerly along Clarke Side Road and its southerly prolongation to the limit between the City of London and the Township of Westminster; thence westerly and southerly along the said limit to Commissioners Road; thence westerly along Commissioners Road to the Canadian National railway line; thence northwesterly along the said railway line to the easterly prolongation of Base Line Road; thence westerly to and along Base Line Road to Wharncliffe Road South; thence northerly along Wharncliffe Road South to the Thames River; thence easterly along the said river to the North Thames River; thence northerly along the North Thames River to Oxford Street; thence easterly along Oxford Street to the point of commencement.

THE ELECTORAL DISTRICT OF LONDON NORTH—consists of that part of the City of London lying within the following limits: Commencing at the intersection of Oxford Street with Highbury Avenue; thence northerly along Highbury Avenue to the northerly limit of the City of London; thence westerly and southerly along the northerly and westerly limits of the said city to the Thames River; thence easterly along the Thames River to the North Thames River; thence northerly along the North Thames River to Oxford Street; thence easterly along Oxford Street to the point of commencement.

THE ELECTORAL DISTRICT OF LONDON SOUTH—consists of that part of the City of London lying within the following limits: Commencing at the intersection of the westerly limit of the City of London with the Thames River; thence easterly along the Thames River to Wharncliffe Road South; thence southerly along Wharncliffe Road South to Base Line Road; thence easterly along Base Line Road and its easterly prolongation to the Canadian National railway line; thence southeasterly along the Canadian National railway line to Commissioners Road; thence easterly along Commissioners Road to the easterly limit of the City of London; thence southerly, westerly and northerly along the easterly, southerly and westerly limits of the City of London to the point of commencement.

THE ELECTORAL DISTRICT OF MARKHAM—consists of the Town of Markham.

THE ELECTORAL DISTRICT OF MIDDLESEX—consists of the County of Middlesex and Indian reserves No. 41 and No. 42 but excluding that part of the City of London lying westerly of a line described as follows: Commencing at the intersection of the Thames River with the southerly prolongation of Clarke Side Road; thence northerly to and along Clarke Side Road to Huron Street; thence westerly along Huron Street to Highbury Avenue; thence northerly along Highbury Avenue to the northerly limit of the City of London.

THE ELECTORAL DISTRICT OF MISSISSAUGA EAST—consists of that part of the City of Mississauga lying within the following limits: Commencing at the intersection of Eglinton Avenue East with the easterly limit of the City of Mississauga; thence southerly along the easterly limit of the said city to Dundas Street East; thence southwesterly along Dundas Street East to Cawthra Road; thence southeasterly along Cawthra Road to the Queen Elizabeth Way;

thence southwesterly along the Queen Elizabeth Way to Hurontario Street; thence northwesterly along Hurontario Street to Central Parkway East; thence easterly and northerly along Central Parkway East to Burnhamthorpe Road East; thence northeasterly along Burnhamthorpe Road East to Cawthra Road; thence northwesterly along Cawthra Road to Eglinton Avenue East; thence northeasterly along Eglinton Avenue East to the point of commencement.

THE ELECTORAL DISTRICT OF MISSISSAUGA NORTH—consists of that part of the City of Mississauga lying northerly of Eglinton Avenue.

THE ELECTORAL DISTRICT OF MISSISSAUGA SOUTH—consists of that part of the City of Mississauga lying southerly of a line described as follows: Commencing at the intersection of the southwesterly limit of the City of Mississauga with the Queen Elizabeth Way; thence northeasterly along the Queen Elizabeth Way to Cawthra Road; thence northwesterly along Cawthra Road to Dundas Street East; thence northeasterly along Dundas Street East to the easterly limit of the City of Mississauga.

THE ELECTORAL DISTRICT OF MISSISSAUGA WEST—consists of that part of the City of Mississauga lying within the following limits: Commencing at the intersection of the westerly limit of the City of Mississauga with Eglinton Avenue West; thence northeasterly along Eglinton Avenue West and Eglinton Avenue East to Cawthra Road; thence southeasterly along Cawthra Road to Burnhamthorpe Road East; thence southwesterly along Burnhamthorpe Road East to Central Parkway East; thence southerly and westerly along Central Parkway East to Hurontario Street; thence southeasterly along Hurontario Street to the Queen Elizabeth Way; thence southwesterly along the Queen Elizabeth Way to the westerly limit of the City of Mississauga; thence northwesterly, southwesterly and northwesterly along the westerly limit of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF MUSKOKA-GEORGIAN BAY—consists of The District Municipality of Muskoka, the Town of Midland, the villages of Port McNicoll and Victoria Harbour and the townships of Matchedash and Tay.

THE ELECTORAL DISTRICT OF NEPEAN—consists of that part of the City of Nepean lying southerly and westerly of a line described as follows: Commencing at the intersection of the Rideau River with Black Rapids Creek; thence westerly along Black Rapids Creek to Woodroffe Avenue; thence northerly along Woodroffe Avenue to the Canadian National-Canadian Pacific railway line; thence easterly along the said railway line to Merivale Road; thence northerly along Merivale Road to Clyde Avenue; thence northerly along Clyde Avenue to the northerly limit of the City of Nepean.

THE ELECTORAL DISTRICT OF NIAGARA FALLS—consists of that part of the City of Niagara Falls lying northerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Niagara Falls with McLeod Road; thence easterly along McLeod Road to Stanley Avenue; thence southerly along Stanley Avenue and its southerly prolongation to the Welland River; thence easterly along the Welland River to a line drawn northwesterly and perpendicularly to Main Street from the intersection of Main Street with Sodom Road; thence southeasterly along the said line to the intersection of Main Street with Sodom Road; thence southerly along Sodom Road to Weinbrenner Road; thence easterly along Weinbrenner Road to Willoughby Drive; thence easterly along Edgeworth Road and its easterly prolongation to the water's edge along the shore of the Niagara River; thence south 45° 00' east to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF NIAGARA SOUTH—consists of the City of Port Colborne, the Town of Fort Erie, the Township of Wainfleet, and that part of the City of Niagara Falls lying southerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Niagara Falls with McLeod Road; thence easterly along McLeod Road to Stanley Avenue; thence southerly along Stanley Avenue and its southerly prolongation to the Welland River; thence easterly along the Welland River to a line drawn northwesterly and perpendicularly to Main Street from the intersection of Main Street with Sodom Road; thence southeasterly along the said line to the intersection of Main Street with Sodom Road; thence southerly along Sodom Road to Weinbrenner Road; thence easterly along Weinbrenner Road to Wiloughby Drive; thence easterly along Edgeworth Road and its easterly prolongation to the water's edge along the shore of the Niagara River; thence south 45° 00' east to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF NICKEL BELT—consists of that part of the Territorial District of Sudbury lying northerly and westerly of a line described as follows: Commencing at the southeast corner of the geographic Township of Janes; thence westerly along the south boundary of the geographic townships of Janes, Davis and Scadding to the easterly limit of the Town of Nickel Centre; thence northerly and westerly along the limits of the Town of Nickel Centre to the easterly limit of the Town of Capreol; thence northerly, westerly, northerly, westerly and southerly along the limits of the Town of Capreol to the northerly limit of the Town of Valley East; thence westerly, southerly, easterly and southerly along the limits of the Town of Valley East to the northwest corner of the City of Sudbury; thence southerly along the westerly limit of the City of Sudbury to the southwest corner thereof; thence easterly along the southerly limit of the City of Sudbury to the east boundary of the geographic Township of Eden; thence southerly along the east boundary of the geographic townships of Eden, Bevin and Sale to the southerly boundary of the Territorial District of Sudbury; thence westerly along the said boundary to the southwest corner of the geographic Township of Roosevelt; thence northerly along the west boundary of the geographic townships of Roosevelt and Truman to the southeast corner of the Township of Nairn; thence westerly along the south boundary of the townships of Nairn and Baldwin to the southwest corner of the last mentioned township; thence westerly along the south boundary of the geographic townships of Shakespeare and Gough to the westerly boundary of the Territorial District of Sudbury.

THE ELECTORAL DISTRICT OF NIPISSING—consists of that part of the Territorial District of Nipissing lying within the following limits: Commencing at the northwest corner of the geographic Township of Hugel; thence easterly along the north boundary of the geographic townships of Hugel and Badgerow to the northwest corner of the Township of Field; thence easterly along the north boundary of the Township of Field to the northeast corner thereof; thence easterly along the north boundary of the geographic townships of Grant, Charlton, Blyth, Merrick, Mulock, French, Butler and Antoine to the northeast corner of the last mentioned township; thence easterly along the prolongation of the north boundary of the geographic Township of Antoine to the Interprovincial Boundary between Ontario and Quebec; thence southerly along the said Interprovincial Boundary to the northeast corner of the Township of Mattawan; thence westerly along the north boundary of the said township to the northwest corner thereof; thence southerly along the west boundary of the Township of Mattawan to the southwest corner thereof; thence westerly along the northerly boundary of the townships of Calvin, Bonfield and East Ferris to the northwesterly corner of the last mentioned township; thence southerly along the westerly boundary of the Township of East Ferris to the northeasterly corner of the Township of North Himsworth; thence westerly and northerly along the southerly and westerly boundaries of the Territorial District of Nipissing to the point of commencement.

THE ELECTORAL DISTRICT OF NORFOLK—consists of the City of Nanticoke, the towns of Simcoe and Tillsonburg and the townships of Delhi and Norfolk.

THE ELECTORAL DISTRICT OF NORTHUMBERLAND—consists of the County of Northumberland.

THE ELECTORAL DISTRICT OF OAKVILLE SOUTH—consists of that part of the Town of Oakville lying southerly of the Queen Elizabeth Way and that part of the City of Burlington lying within the following limits: Commencing at the intersection of the northeasterly limit of the City of Burlington with New Street; thence southwesterly along New Street to Appleby Line; thence southeasterly along Appleby Line to Appleby Place; thence southeasterly along Appleby Place and its southeasterly prolongation to the shore of Lake Ontario; thence northeasterly along the said shore to the northeasterly limit of the City of Burlington; thence northwesterly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF OAKWOOD—consists of that part of the cities of York and Toronto lying within the following limits: Commencing at the intersection of Eglinton Avenue West with Bathurst Street; thence southerly along Bathurst Street to the southerly limit of the City of York situated immediately north of St. Clair Avenue West; thence westerly along the said limit to the Canadian National railway line situated immediately east of Blackthorn Avenue; thence northerly along the said railway line to Eglinton Avenue West; thence westerly along Eglinton Avenue West to Keele Street; thence northerly along Keele Street to the northerly limit of the City of York; thence easterly along the said limit to Allen Road; thence southerly along Allen Road to Eglinton Avenue West; thence easterly along Eglinton Avenue West to the point of commencement.

THE ELECTORAL DISTRICT OF ORIOLE—consists of that part of the City of North York lying northerly of the Macdonald-Cartier Freeway and easterly of Leslie Street.

THE ELECTORAL DISTRICT OF OSHAWA—consists of that part of the City of Oshawa lying southerly and easterly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Oshawa with King Street West; thence easterly along King Street West to Ritson Road North; thence northerly along Ritson Road North to Taunton Road; thence easterly along Taunton Road to the easterly limit of the City of Oshawa.

THE ELECTORAL DISTRICT OF OTTAWA CENTRE—consists of that part of the City of Ottawa lying within the following limits: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with Island Park Drive; thence southerly along Island Park Drive to Merivale Road; thence southerly along Merivale Road to the southerly limit of the City of Ottawa; thence easterly along the said limit and its easterly prolongation to Fisher Avenue; thence northerly along Fisher Avenue to Base Line Road; thence easterly along Base Line Road to Heron Road; thence easterly along Heron Road to the Rideau Canal; thence northeasterly and northerly along the said canal to the northerly extremity thereof; thence north 45° 00' west to the Interprovincial Boundary between Ontario and Quebec; thence westerly along the said Interprovincial Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA EAST—consists of the City of Vanier, and that part of the cities of Gloucester and Ottawa lying within the following limits: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec and a line drawn on a course of north 45° 00' west from the northerly extremity of Rideau Canal; thence south 45° 00' east along the said line to the northerly extremity of the Rideau Canal; thence southerly along the said canal to the Queensway; thence easterly along the Queensway

to Blair Road; thence northerly along Blair Road to Montreal Road; thence westerly along Montreal Road to the easterly limit of the City of Vanier; thence northerly along the said limit to Beechwood Avenue; thence southwesterly along Beechwood Avenue to the limit between the City of Ottawa and the Village of Rockcliffe Park; thence northerly and westerly along the said limit to the most northwesterly corner of the Village of Rockcliffe Park; thence northeasterly along the northwesterly limit of the Village of Rockcliffe Park to Princess Avenue; thence northwesterly along Princess Avenue to Rockcliffe Driveway; thence north 45° 00' west to the Interprovincial Boundary between Ontario and Quebec; thence southwesterly along the said Interprovincial Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA-RIDEAU—consists of that part of the cities of Gloucester, Nepean and Ottawa lying within the following limits: Commencing at the intersection of Clyde Avenue with the northerly limit of the City of Nepean; thence easterly along the said limit and its easterly prolongation to Fisher Avenue; thence northerly along Fisher Avenue to Base Line Road; thence easterly along Base Line Road to the Rideau Canal; thence southerly along the Rideau Canal to the Rideau River; thence southerly along the Rideau River to the westerly prolongation of Walkley Road; thence easterly along the said prolongation to and along Walkley Road to its easterly extremity; thence easterly along the easterly prolongation of Walkley Road to the easterly limit of the City of Ottawa; thence southerly and westerly along the easterly and southerly limits of the City of Ottawa to Conroy Road; thence southerly along Conroy Road to the King's Highway No. 31; thence southerly along said Highway to Leitrim Road; thence westerly along Leitrim Road to Albion Road; thence southerly along Albion Road to Leitrim Drive; thence westerly along Leitrim Drive to the westerly limit of the part of the Ottawa International Airport lying northerly of Leitrim Drive; thence northerly along the said westerly limit to the northerly limit of the City of Gloucester; thence westerly along the said limit to the Rideau River; thence southerly along the Rideau River to Black Rapids Creek; thence westerly along Black Rapids Creek to Woodroffe Avenue; thence northerly along Woodroffe Avenue to the Canadian National-Canadian Pacific railway line; thence easterly along the said railway line to Merivale Road; thence northerly along Merivale Road to Clyde Avenue; thence northerly along Clyde Avenue to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA SOUTH—consists of that part of the City of Ottawa lying within the following limits: Commencing at the intersection of the easterly limit of the City of Ottawa with the easterly prolongation of Walkley Road; thence westerly along the said prolongation to and along Walkley Road and its westerly prolongation to the Rideau River; thence northerly along the Rideau River to the Rideau Canal; thence northerly and easterly along the Rideau Canal to the Queensway; thence easterly along the Queensway to the easterly limit of the City of Ottawa; thence southerly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA WEST—consists of that part of the City of Ottawa lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of Ottawa with Merivale Road; thence northerly along Merivale Road to Island Park Drive; thence northerly along Island Park Drive to the Interprovincial Boundary between Ontario and Quebec.

THE ELECTORAL DISTRICT OF OXFORD—consists of the County of Oxford but excluding the Town of Tillsonburg.

THE ELECTORAL DISTRICT OF PARKDALE—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of the southwesterly limit of the City of Toronto with the southerly prolongation of Ronc-

esvalles Avenue; thence northerly along the said prolongation to and along Roncesvalles Avenue to Dundas Street West; thence northerly along Dundas Street West to Bloor Street West; thence easterly along Bloor Street West to Ossington Avenue; thence southerly along Ossington Avenue to College Street; thence westerly along College Street to Dovercourt Road; thence southerly along Dovercourt Road and its southerly prolongation to King Street West; thence westerly along King Street West to Atlantic Avenue; thence southerly along Atlantic Avenue and its southerly prolongation to the Gardiner Expressway; thence easterly along the Gardiner Expressway to Strachan Avenue; thence southerly along Strachan Avenue and its southerly prolongation to the southwesterly limit of the City of Toronto; thence northwesterly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF PARRY SOUND—consists of the Territorial District of Parry Sound and that part of the Territorial District of Nipissing, but excluding the Township of Airy and the geographic townships of Dickens, Lyell, Murchison and Sabine, lying southerly of a line described as follows: Commencing at the northeasterly corner of the Township of North Himsforth; thence northerly along the westerly boundary of the Township of East Ferris to the northwesterly corner thereof; thence easterly along the northerly boundary of the townships of East Ferris, Bonfield and Calvin to the southwesterly corner of the Township of Mattawan; thence northerly and easterly along the west and north boundaries of the Township of Mattawan to the northeasterly corner thereof.

THE ELECTORAL DISTRICT OF PERTH—consists of the County of Perth.

THE ELECTORAL DISTRICT OF PETERBOROUGH—consists of the City of Peterborough, the Village of Millbrook, the townships of Cavan, Ennismore, North Monaghan, South Monaghan and Smith, and Indian Reserve No. 35.

THE ELECTORAL DISTRICT OF PORT ARTHUR—consists of that part of the Territorial District of Thunder Bay lying within the following limits: Commencing at the southwest corner of the geographic Township of Adrian; thence northerly along the west boundary of the geographic townships of Adrian and Horne to the southerly boundary of the Dawson Road Lots; thence westerly, northerly and easterly along the southerly, westerly and northerly boundaries of the Dawson Road Lots to the west boundary of the geographic Township of Goldie; thence northerly along the west boundary of the geographic Township of Goldie to the northwest corner thereof; thence easterly along the north boundary of the geographic townships of Goldie and Forbes to the southeast corner of Block 1; thence northerly along the east boundary of the said block to the northwest corner of the geographic Township of Fowler; thence easterly along the north boundary of the geographic townships of Fowler and Jacques to the northeast corner of the last mentioned township; thence southerly along the east boundary of the geographic Township of Jacques to the north boundary of the geographic Township of Gorham; thence easterly along the north boundary of the said township to the northeast corner thereof; thence southerly along the east boundary of the geographic Township of Gorham to the northwest corner of the Township of Shuniah; thence easterly and northerly along the north and west boundaries of the Township of Shuniah to the southwest corner of the Township of Dorion; thence easterly along the south boundary of the said township to the southeast corner thereof; thence east astronomically to the centre line of Black Bay of Lake Superior; thence southerly along the said centre line to the southerly extremity thereof; thence south astronomically to the International Boundary between Canada and the United States of America; thence southwesterly along the said International Boundary to the line of longitude $89^{\circ} 00'$; thence north astronomically along the said line of longitude to the easterly prolongation of the south limit of the former City of Port Arthur, as existing prior to January 1, 1970; thence westerly along the said prolongation to and along the south limit of the said for-

mer City of Port Arthur to Golf Links Road; thence northerly along Golf Links Road to the Harbour Access Route; thence westerly along the Harbour Access Route to the Lakehead Expressway; thence southerly along the Lakehead Expressway to the south limit of the former City of Port Arthur as existing prior to January 1, 1970; thence westerly along the said limit and the south boundary of the former Township of McIntyre as existing prior to January 1, 1970, to the northeast corner of the Township of Paipoonge; thence westerly along the north boundary of the said township to the northwest corner thereof; thence northerly along the east boundary of the Township of O'Connor to the northeast corner thereof; thence westerly along the north boundary of the Township of O'Connor to the southeast corner of the geographic Township of Adrian; thence westerly along the south boundary of the said township to the point of commencement.

THE ELECTORAL DISTRICT OF PRESCOTT AND RUSSELL—consists of the counties of Prescott and Russell and the Township of Cumberland.

THE ELECTORAL DISTRICT OF PRINCE EDWARD-LENNOX—consists of the County of Prince Edward, the towns of Deseronto and Napanee, the Village of Bath, the townships of Adolphustown, Ernestown, North Fredericksburgh, Richmond, South Fredericksburgh, Thurlow and Tyendinaga, and Indian Reserve No. 38.

THE ELECTORAL DISTRICT OF QUINTE—consists of the cities of Belleville and Trenton, the Village of Frankford, and the Township of Sidney.

THE ELECTORAL DISTRICT OF RAINY RIVER—consists of the Territorial District of Rainy River and that part of the Territorial District of Kenora, excluding the community of English River, lying south of a line described as follows: Commencing at the intersection of the International Boundary between Canada and the United States of America with a line drawn west astronomic from the westerly extremity of the 4th Base Line at the westerly shore of Aulneau Peninsula; thence east astronomically along the said line to the westerly extremity of the said 4th Base Line; thence easterly along the said base line to the 6th Meridian Line surveyed by A. Niven, O.L.S., in 1894; thence northerly along the 6th Meridian Line to the northwest corner of the geographic Township of Van Horne; thence easterly along the north boundary of the said township to the northwest corner of the Town of Dryden; thence southerly and easterly along the westerly and southerly limits of the said town to the west limit of the Township of Barclay; thence northerly, easterly and southerly along the west, north and east boundaries of the said township to the north boundary of the geographic Township of Zealand; thence easterly along the north boundary of the geographic townships of Zealand, Hartman and MacFie to the northeast corner of the last mentioned township; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the southwest corner of Block 9; thence easterly along the south boundary of the said block to the southeast corner thereof; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the boundary between the territorial districts of Kenora and Thunder Bay.

THE ELECTORAL DISTRICT OF RENFREW NORTH—consists of the Township of Airy, the geographic townships of Dickens, Lyell, Murchison and Sabine, and the County of Renfrew but excluding the towns of Arnprior and Renfrew, the Village of Braeside and the townships of Admaston, Bagot and Blithfield, Horton and McNab.

THE ELECTORAL DISTRICT OF RIVERDALE—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of the Don River with the northerly limit of the City of Toronto; thence easterly along the said limit to Coxwell Avenue; thence southerly along Coxwell Avenue to the Canadian National railway line; thence southwesterly along the said railway line to Greenwood Avenue; thence southerly along Greenwood Avenue

to Queen Street East; thence westerly along Queen Street East to Leslie Street; thence southerly along Leslie Street and its southerly prolongation to the southerly limit of the City of Toronto; thence westerly along the said limit to the southerly prolongation of the centre line of Eastern Channel of Inner Harbour; thence northerly along the said prolongation to and along the said centre line to the northerly extremity thereof; thence northerly along the prolongation of the said centre line to the water's edge of Inner Harbour; thence easterly along the said water's edge to the northerly side of the Keating Channel; thence easterly along the said northerly side to the Don River; thence northerly along the Don River to the point of commencement.

THE ELECTORAL DISTRICT OF ST. ANDREW-ST. PATRICK—consists of that part of the cities of Toronto and York lying within the following limits: Commencing at the intersection of Yonge Street with College Street; thence westerly along College Street to Bathurst Street; thence northerly along Bathurst Street to Eglinton Avenue West; thence westerly along Eglinton Avenue West to Allen Road; thence northerly along Allen Road to the northerly limit of the City of Toronto; thence easterly along the said limit to the southerly extremity of the course thereon oriented in a northerly and southerly direction and situated immediately west of Proudfoot Avenue; thence southerly along the prolongation of the said course in the northerly limit of the City of Toronto to Briar Hill Avenue; thence easterly along Briar Hill Avenue to Castlewood Road; thence southerly along Castlewood Road to Roselawn Avenue; thence westerly along Roselawn Avenue to Latimer Avenue; thence southerly along Latimer Avenue to Eglinton Avenue West; thence easterly along Eglinton Avenue West to Duncannon Drive; thence southerly along Duncannon Drive and its southerly prolongation to the abandoned Canadian National railway line situated immediately southwesterly of Chaplin Crescent; thence southeasterly along the said railway line to Yonge Street; thence southerly along Yonge Street to the easterly prolongation of Lonsdale Road; thence westerly along the said prolongation to and along Lonsdale Road to Avenue Road; thence southerly along Avenue Road to St. Clair Avenue West; thence easterly along St. Clair Avenue West to Yonge Street; thence southerly along Yonge Street to the point of commencement.

THE ELECTORAL DISTRICT OF ST. CATHARINES—consists of that part of the City of St. Catharines lying northerly and easterly of a line described as follows: Commencing at the intersection of the easterly limit of the City of St. Catharines with the Queen Elizabeth Way; thence northwesterly along the Queen Elizabeth Way to Martindale Road; thence northerly along Martindale Road to Lakeshore Road West; thence westerly along Lakeshore Road West to Courtleigh Road; thence northerly along Courtleigh Road and its northerly prolongation to the northerly limit of the City of St. Catharines.

THE ELECTORAL DISTRICT OF ST. CATHARINES-BROCK—consists of the Town of Niagara-on-the-Lake and that part of the City of St. Catharines lying southerly and easterly of a line described as follows: Commencing at the intersection of the easterly limit of the City of St. Catharines with the Queen Elizabeth Way; thence northwesterly along the Queen Elizabeth Way to Twelve Mile Creek; thence southerly along Twelve Mile Creek to the southerly limit of the City of St. Catharines.

THE ELECTORAL DISTRICT OF ST. GEORGE-ST. DAVID—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Carlton Street with Yonge Street; thence northerly along Yonge Street to St. Clair Avenue West; thence westerly along St. Clair Avenue West to Avenue Road; thence northerly along Avenue Road to Lonsdale Road; thence easterly along Lonsdale Road and its easterly prolongation to Yonge Street; thence southerly along Yonge Street to the southerly limit of Mount Pleasant Cemetery; thence easterly along the said limit to the westerly limit of the Borough of East York; thence southerly and easterly along the westerly and

southerly limits of the said borough to the Don River; thence southerly along the Don River to the northerly side of the Keating Channel; thence westerly along the said northerly side to the water's edge of Inner Harbour; thence westerly along the said water's edge to the southerly prolongation of Sherbourne Street; thence northerly along the said prolongation to and along Sherbourne Street to Carlton Street; thence westerly along Carlton Street to the point of commencement.

THE ELECTORAL DISTRICT OF SARNIA—consists of the City of Sarnia, the Village of Point Edward, that part of the Township of Sarnia lying westerly of Modeland Road and northerly of Confederation Street, and Indian Reserve No. 45.

THE ELECTORAL DISTRICT OF SAULT STE. MARIE—consists of the City of Sault Ste. Marie.

THE ELECTORAL DISTRICT OF SCARBOROUGH-AGINCOURT—consists of that part of the City of Scarborough lying northerly of the Macdonald-Cartier Freeway and westerly of the Canadian National railway line situated immediately east of Kennedy Road.

THE ELECTORAL DISTRICT OF SCARBOROUGH CENTRE—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of Lawrence Avenue East and Markham Road; thence southerly along Markham Road and its southerly prolongation to the southerly limit of the City of Scarborough; thence westerly along the said limit to the southerly prolongation of Wynnview Court; thence northerly along the said prolongation to and along Wynnview Court to the northerly extremity thereof; thence northerly in a straight line to the southerly extremity of Kennedy Road; thence northerly along Kennedy Road to Eglinton Avenue East; thence easterly along Eglinton Avenue East to the Canadian National railway line situated immediately west of Midland Avenue; thence northerly along the said railway line to Lawrence Avenue East; thence easterly along Lawrence Avenue East to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH EAST—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of Markham Road with Lawrence Avenue East; thence easterly along Lawrence Avenue East to West Highland Creek; thence northerly along West Highland Creek to Highland Creek; thence northwesterly along Highland Creek to an unnamed creek immediately west of the westerly extremity of Silversand Place; thence northerly along the said unnamed creek to the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to the easterly limit of the City of Scarborough; thence southerly along the said limit to the southeasterly corner of the said city; thence westerly along the southerly limit of the said city to the southerly prolongation of Markham Road; thence northerly along the said prolongation to and along Markham Road to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH-ELLESMERE—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of the Macdonald-Cartier Freeway with Victoria Park Avenue; thence southerly along Victoria Park Avenue to Lawrence Avenue East; thence easterly along Lawrence Avenue East to West Highland Creek; thence northerly along West Highland Creek to Highland Creek; thence northerly along Highland Creek to an unnamed creek immediately west of the westerly extremity of Silversand Place; thence northerly along the said unnamed creek to the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH NORTH—consists of that part of the City of Scarborough lying northerly and easterly of a line described as follows: Com-

mencing at the intersection of the easterly limit of the City of Scarborough with the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to the Canadian National railway line situated immediately east of Kennedy Road; thence northerly along the said railway line to the northerly limit of the City of Scarborough.

THE ELECTORAL DISTRICT OF SCARBOROUGH WEST—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of the westerly limit of the City of Scarborough with Lawrence Avenue East; thence easterly along Lawrence Avenue East to the Canadian National railway line; thence southerly along the said railway line to Eglinton Avenue East; thence westerly along Eglinton Avenue East to Kennedy Road; thence southerly along Kennedy Road to the southerly extremity thereof; thence southerly in a straight line to the northerly extremity of Wynnview Court; thence southerly along Wynnview Court and its southerly prolongation to the southerly limit of the City of Scarborough; thence westerly along the said limit to the southwest corner of the said city; thence northerly along the westerly limit of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF SIMCOE CENTRE—consists of the City of Barrie, the Town of Bradford, and the townships of Innisfil, Vespra and West Gwillimbury.

THE ELECTORAL DISTRICT OF SIMCOE NORTH—consists of the City of Orillia, the Town of Penetanguishene, the villages of Coldwater and Elmvale, the townships of Flos, Mara, Medonte, Orillia, Oro, Rama and Tiny, and Indian reserves No. 30 and No. 32.

THE ELECTORAL DISTRICT OF SIMCOE WEST—consists of the towns of Alliston, Collingwood, Stayner, and Wasaga Beach, the villages of Beeton, Cookstown, Creemore and Tottenham, and the townships of Adjala, Essa, Nottawasaga, Sunnidale, Tecumseth and Tosoronto.

THE ELECTORAL DISTRICT OF STORMONT, DUNDAS AND GLENGARRY—consists of the towns of Alexandria and Kemptville, the villages of Cardinal, Chesterville, Finch, Iroquois, Lancaster, Maxville, Morrisburg and Winchester, and the townships of Edwardsburgh, Finch, Kenyon, Lancaster, Lochiel, Matilda, Mountain, Osnabruck, Oxford-on-Rideau, Roxborough, South Gower, Williamsburgh and Winchester.

THE ELECTORAL DISTRICT OF SUDBURY—consists of that part of the City of Sudbury lying within wards 1, 4, 5, 6, 7 and 8 and that part of wards 2 and 3 lying southerly of Lasalle Boulevard.

THE ELECTORAL DISTRICT OF SUDBURY EAST—consists of that part of the Territorial District of Sudbury lying within the following limits: Commencing at the southeast corner of the geographic Township of Janes; thence westerly along the south boundary of the geographic townships of Janes, Davis and Scadding to the easterly limit of the Town of Nickel Centre; thence northerly and westerly along the limits of the Town of Nickel Centre to the easterly limit of the Town of Capreol; thence northerly, westerly, northerly, westerly and southerly along the limits of the Town of Capreol to the northerly limit of the Town of Valley East; thence westerly, southerly, easterly and southerly along the limits of the Town of Valley East to the northwest corner of the City of Sudbury; thence easterly along the northerly limit of the City of Sudbury to the northeast corner of Ward 4; thence southerly along the easterly limit of Ward 4 to Lasalle Boulevard; thence easterly along Lasalle Boulevard to the easterly limit of the City of Sudbury; thence southerly along the said limit to the northeast corner of Ward 9; thence westerly along the north limit of Ward 9 to the westerly limit of the City of Sudbury; thence southerly along the westerly limit of the City of Sudbury to the southwest corner thereof; thence easterly along the southerly limit of the City of Sudbury to the west

boundary of the geographic Township of Tilton; thence southerly along the west boundary of the geographic townships of Tilton, Halifax, Attlee, Kilpatrick and Travers to the boundary between the territorial districts of Sudbury and Parry Sound; thence easterly along the said boundary to the boundary between the territorial districts of Sudbury and Nipissing; thence westerly and northerly along the said boundary to the point of commencement.

THE ELECTORAL DISTRICT OF TIMISKAMING—consists of the Territorial District of Timiskaming and that part of the Territorial District of Nipissing lying northerly of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with the easterly prolongation of the south boundary of the geographic Township of Eddy; thence westerly along the said prolongation to and along the south boundary of the geographic Township of Eddy and of the geographic townships of Jocko, Lockhart, Stewart, Notman, Lyman, Fell, Bastedo, Gibbons and Crerar to the southwest corner of the last mentioned township.

THE ELECTORAL DISTRICT OF VICTORIA-HALIBURTON—consists of the counties of Haliburton and Victoria but excluding the Township of Manvers.

THE ELECTORAL DISTRICT OF WATERLOO NORTH—consists of the City of Waterloo and the townships of Wellesley and Woolwich.

THE ELECTORAL DISTRICT OF WELLAND-THOROLD—consists of the cities of Thorold and Welland.

THE ELECTORAL DISTRICT OF WELLINGTON—consists of the County of Wellington but excluding the City of Guelph.

THE ELECTORAL DISTRICT OF WENTWORTH EAST—consists of the Township of Glanbrook, the City of Stoney Creek and that part of the City of Hamilton lying within the following limits: Commencing at the intersection of the easterly limit of the City of Hamilton with the brow of Hamilton Mountain; thence southwesterly along the said brow to Redhill Creek; thence northerly along Redhill Creek to Queenston Road; thence easterly along Queenston Road to the easterly limit of the City of Hamilton; thence southerly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF WENTWORTH NORTH—consists of the towns of Ancaster and Dundas and the Township of Flamborough.

THE ELECTORAL DISTRICT OF WILSON HEIGHTS—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Dufferin Street with the northerly limit of the City of North York; thence easterly along the said limit to Yonge Street; thence southerly along Yonge Street to Finch Avenue West; thence westerly along Finch Avenue West to Bathurst Street; thence southerly along Bathurst Street to the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to Avenue Road; thence southerly along Avenue Road to the westerly prolongation of the course in the southerly limit of the City of North York oriented in an easterly and westerly direction and situated immediately south of Brooke Avenue; thence easterly along the said prolongation to the southerly limit of the City of North York; thence southerly along the said limit to Old Orchard Grove; thence westerly along Old Orchard Grove to Bathurst Street; thence northerly along Bathurst Street to Baycrest Avenue; thence westerly along Baycrest Avenue and its westerly prolongation to Allen Road; thence northerly along Allen Road to Dufferin Street; thence northerly along Dufferin Street to the point of commencement.

THE ELECTORAL DISTRICT OF WINDSOR-RIVERSIDE—consists of the Town of Tecumseh, the Village of St. Clair Beach and that part of the City of Windsor (including Peche Island) lying easterly of a line described as follows: Commencing at the

intersection of the International Boundary between Canada and the United States of America with the northerly prolongation of Buckingham Drive; thence southerly along the said prolongation to and along Buckingham Drive to Wyandotte Street East; thence westerly along Wyandotte Street East to Raymo Road; thence southerly along Raymo Road and its southerly prolongation to the Canadian National railway line; thence westerly along the said railway line to the northerly prolongation of Norman Road; thence southerly along the said prolongation to and along Norman Road to Tecumseh Road East; thence westerly along Tecumseh Road East to the Chesapeake and Ohio railway line; thence southerly along the said railway line to the southerly limit of the City of Windsor.

THE ELECTORAL DISTRICT OF WINDSOR-SANDWICH—consists of the Township of Sandwich West and that part of the City of Windsor lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of Windsor with Cabana Road West; thence easterly along Cabana Road West to Dougall Avenue; thence northerly along Dougall Avenue to Ouellette Place; thence northerly along Ouellette Place to Ouellette Avenue; thence northerly along Ouellette Avenue and its northerly prolongation to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF WINDSOR-WALKERVILLE—consists of that part of the City of Windsor lying within the following limits: Commencing at the intersection of the International Boundary between Canada and the United States of America with the northerly prolongation of Ouellette Avenue; thence southerly along the said prolongation to and along Ouellette Avenue to Ouellette Place; thence southerly along Ouellette Place to Dougall Avenue; thence southerly along Dougall Avenue to Cabana Road West; thence westerly along Cabana Road West to the southerly limit of the City of Windsor; thence easterly along the said limit to the Chesapeake and Ohio railway line; thence northerly along the said railway line to Tecumseh Road East; thence easterly along Tecumseh Road East to Norman Road; thence northerly along Norman Road and its northerly prolongation to the Canadian National railway line; thence easterly along the said railway line to the southerly prolongation of Raymo Road; thence northerly along the said prolongation to and along Raymo Road to Wyandotte Street East; thence easterly along Wyandotte Street East to Buckingham Drive; thence northerly along Buckingham Drive and its northerly prolongation to the International Boundary between Canada and the United States of America; thence westerly along the said International Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF YORK CENTRE—consists of the towns of Richmond Hill and Vaughan.

THE ELECTORAL DISTRICT OF YORK EAST—consists of that part of the Borough of East York lying within the following limits: Commencing at the intersection of Chisholm Avenue with the southerly limit of the Borough of East York; thence westerly, northerly, easterly and southeasterly along the southerly, westerly and northerly limits of the said borough to Don Mills Road; thence southerly along Don Mills Road to the Don River; thence easterly along the Don River to Taylor Creek; thence southeasterly along Taylor Creek to the northerly prolongation of Chisholm Avenue; thence southerly along the said prolongation to and along Chisholm Avenue to the point of commencement.

THE ELECTORAL DISTRICT OF YORK MILLS—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Avenue Road with the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to the easterly limit of the City of North York; thence southerly along the said limit to Lawrence Avenue East; thence westerly along Lawrence Avenue East and its westerly prolongation to Don River West Branch; thence northwesterly along the Don River West Branch to the

easterly prolongation of the course in the southerly limit of the City of North York oriented in an easterly and westerly direction and situated immediately north of Glen Echo Road; thence westerly along the said prolongation to and along the southerly limit of the City of North York to the westerly extremity of the course thereon oriented in an easterly and westerly direction and situated immediately south of Brooke Avenue; thence westerly along the prolongation of the said course to Avenue Road; thence northerly along Avenue Road to the point of commencement.

THE ELECTORAL DISTRICT OF YORK NORTH—consists of the towns of Aurora and Newmarket and the Township of King.

THE ELECTORAL DISTRICT OF YORK-ONTARIO—consists of the towns of East Gwillimbury and Whitchurch-Stouffville, the townships of Brock, Georgina and Uxbridge, and Indian Reserve No. 33.

THE ELECTORAL DISTRICT OF YORK SOUTH—consists of that part of the City of York lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of York with the Canadian National railway line situated immediately east of Blackthorn Avenue; thence northerly along the said railway line to Eglinton Avenue West; thence westerly along Eglinton Avenue West to Keele Street; thence northerly along Keele Street to the northerly limit of the City of York.

THE ELECTORAL DISTRICT OF YORKVIEW—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Black Creek with the northerly limit of the City of North York; thence westerly and southerly along the northerly and westerly limits of the City of North York to the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to Jane Street; thence northerly along Jane Street to Finch Avenue West; thence easterly along Finch Avenue West to Black Creek; thence northerly along Black Creek to the point of commencement.

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Bill 77

An Act to revise the Representation Act

The Hon. R. Nixon

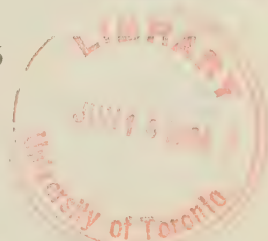
Treasurer of Ontario and Minister of Economics

1st Reading June 11th, 1986

2nd Reading July 8th, 1986

3rd Reading

Royal Assent



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill, in accordance with the Report on redistribution presented by the Ontario Electoral Boundaries Commission, increases the number of members in the Legislative Assembly from 125 to 130, one member to be returned from each electoral district described in the Schedule, and will take effect following the first dissolution of the Legislature that occurs after the 31st day of August, 1986. The appointment of returning officers under the *Election Act, 1984* and the registration of constituency associations under the *Election Finances Reform Act*, in accordance with the new electoral districts described in the Bill, may, however, commence upon the Bill receiving Royal Assent.

Bill 77**1986****An Act to revise the Representation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The boundaries of every territorial district, county, city, town, village, township, improvement district, borough, district municipality, regional municipality and ward in any municipality shall for the purpose of this Act be deemed to be the boundaries of such territorial district, county, city, town, village, township, improvement district, borough, district municipality, regional municipality and ward as defined by statute, by-law, proclamation or other lawful authority on the 6th day of January, 1986.

Boundaries

2. The Legislative Assembly of Ontario shall consist of one hundred and thirty members.

Number of members

3.—(1) Ontario shall, for the purpose of representation in the Assembly, be divided into electoral districts as set out in the Schedule.

Division of Ontario into electoral districts

(2) One member shall be returned to the Assembly for each electoral district.

One member per electoral district

4. The boundaries of the electoral districts as set out in the Schedule shall not be affected by alterations in municipal or ward boundaries made after the 6th day of January, 1986.

Changes in municipal or ward boundaries

5. Where a county, city, town, village, township, improvement district, borough, district municipality or regional municipality becomes incorporated and is not expressly included in an electoral district set out in the Schedule but is situated in part in two or more of such electoral districts, the electors entitled to vote in such municipality are entitled to vote in the electoral district in which they would have been entitled to vote if the county, city, town, village, township, improvement district, borough, district municipality or regional municipality had not become incorporated.

Municipalities on boundary lines

Augmen-
tation
or gores of
townships

6. Except as otherwise expressly set out in the Schedule, every augmentation or gore of a township shall for the purposes of this Act be considered as forming part of the electoral district in which the township is situated.

Municipalities
included in
electoral
district in
which situate

7. Every county, city, town, village, township, improvement district, borough, district municipality and regional municipality heretofore or hereafter incorporated, situate wholly within an electoral district as set out in the Schedule and not expressly included in any other electoral district in the Schedule, shall form part of the electoral district in which it is situate.

Special Act
overruled

8. Every county, city, town, village, township, improvement district, borough, district municipality or regional municipality that by the provisions of any special Act passed before this Act comes into force forms or forms part of an electoral district shall, notwithstanding such provisions, form or form part of the electoral district or districts in which it is included in the Schedule.

Repeal

9. The *Representation Act*, being chapter 450 of the Revised Statutes of Ontario, 1980, is repealed.

Commence-
ment

10.—(1) This Act comes into force and has effect upon the first dissolution of the Legislature that occurs after the 31st day of August, 1986.

Idem
1984, c. 54

R.S.O. 1980,
c. 134

(2) Notwithstanding subsection (1), for the purposes only of the appointment of returning officers under the *Election Act, 1984* and the registration of constituency associations under the *Election Finances Reform Act*, and matters ancillary thereto, to be in effect for the purposes of an election held after the dissolution of the Legislature specified in subsection (1), the electoral districts set out in the Schedule shall be deemed to be established on the day this Act receives Royal Assent.

Short title

11. The short title of this Act is the *Representation Act, 1986*.

SCHEDULE

In the following descriptions,

- (a) a reference to a road, water feature or railway line signifies the centre line of the road, water feature or railway line, unless otherwise provided;
- (b) a reference to a territorial division or a municipality refers to the territorial division or municipality as it existed on the 6th day of January, 1986; and
- (c) every city, town, village, township, improvement district, development area and Indian reserve lying within the perimeter of an electoral district is included in the electoral district unless otherwise provided.

ELECTORAL DISTRICTS

THE ELECTORAL DISTRICT OF ALGOMA—consists of that part of the Territorial District of Algoma, but excluding the geographic townships of Ebbs and Templeton, lying northerly of a line described as follows: Commencing at the southeast corner of the geographic Township of Redden; thence westerly along the south boundary of the geographic townships of Redden, Prescott, Plourde, Piche, Viel and Sagard to the northeast corner of the geographic Township of Nicholas; thence southerly along the east boundary of the geographic Township of Nicholas to the northwest corner of the Town of Elliot Lake; thence southerly along the west limit of the Town of Elliot Lake to the northwest corner of the Township of The North Shore; thence southerly along the west boundary of that township to the southerly boundary of the Territorial District of Algoma; thence westerly along that boundary to the easterly limit of the City of Sault Ste. Marie; thence northerly along the easterly boundary of the City of Sault Ste. Marie to the northeast corner thereof; thence westerly along the north boundary of that city to the northwest corner thereof; thence southerly along the east boundary of the Township of Prince to the southeast corner thereof; thence westerly along the south boundary of the Township of Prince to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF ALGOMA-MANITOULIN—consists of the Territorial District of Manitoulin and that part of the territorial districts of Algoma and Sudbury lying within the following limits: Commencing at the intersection of the southerly boundary of the Territorial District of Sudbury with the east boundary of the geographic Township of Curtin; thence northerly along the east boundary of the geographic townships of Curtin and Foster to the northeast corner of the last mentioned township; thence westerly along the north boundary of the geographic townships of Foster and Merritt to the northeast corner of the Town of Espanola; thence westerly along the north boundary of the said town to the northwest corner thereof; thence westerly along the north boundary of the geographic Township of Merritt to the southeast corner of the geographic Township of Shakespeare; thence westerly along the south boundary of the geographic townships of Shakespeare and Gough to the southeast corner of the geographic Township of Tennyson; thence northerly along the east boundary of the geographic townships of Tennyson, Boon, Mandamin and Strain to the northeast corner of the last mentioned township; thence westerly along the north boundary of the geographic townships of Strain, Teasdale, Poncet, Hughson, Hembruff and Raimbault to the northwest corner of the last mentioned township; thence southerly along the west boundary of the said township to the northwest corner of the Town of Elliott Lake; thence southerly along the west limit of the said town to the northwest corner of the Township of The North Shore; thence southerly along the west boundary of the said township to the southerly boundary of the Territorial District of Algoma; thence easterly along the southerly boundary of the territorial districts of Algoma and Sudbury to the point of commencement.

THE ELECTORAL DISTRICT OF BEACHES-WOODBINE—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Queen Street East with Greenwood Avenue; thence northerly along Greenwood Avenue to the Canadian National railway line; thence northeasterly along the said railway line to Coxwell Avenue; thence northerly along Coxwell Avenue to the northerly limit of the City of Toronto; thence easterly along the said limit to the easterly limit of the said city; thence southerly along the said limit to the southeasterly corner of the City of Toronto; thence westerly along the southerly limit of the said city to the southerly prolongation of Leslie Street; thence northerly along the said prolongation to and along Leslie Street to Queen Street East; thence easterly along Queen Street East to the point of commencement.

THE ELECTORAL DISTRICT OF BRAMPTON NORTH—consists of that part of the City of Brampton lying northerly of a line described as follows: Commencing at the intersection of the easterly limit of the City of Brampton with the King's Highway No. 7; thence westerly along the said Highway to Queen Street East; thence westerly along Queen Street East to Kennedy Road; thence northerly along Kennedy Road to Vodden Street; thence westerly along Vodden Street to Main Street; thence northerly along Main Street and the King's Highway No. 10 to the King's Highway No. 7; thence westerly along said Highway to the westerly limit of the City of Brampton.

THE ELECTORAL DISTRICT OF BRAMPTON SOUTH—consists of that part of the City of Brampton lying southerly of a line described as follows: Commencing at the intersection of the easterly limit of the City of Brampton with the King's Highway No. 7; thence westerly along the said Highway to Queen Street East; thence westerly along Queen Street East to Kennedy Road; thence northerly along Kennedy Road to Vodden Street; thence westerly along Vodden Street to Main Street; thence northerly along Main Street and the King's Highway No. 10 to the King's Highway No. 7; thence westerly along said Highway to the westerly limit of the City of Brampton.

THE ELECTORAL DISTRICT OF BRANTFORD—consists of the City of Brantford.

THE ELECTORAL DISTRICT OF BRANT-HALDIMAND—consists of the County of Brant but excluding the City of Brantford; the towns of Dunnville and Haldimand, Indian reserves No. 40 and No. 40A, and the Township of North Dumfries but excluding that part lying within the geographic Township of Beverly.

THE ELECTORAL DISTRICT OF BRUCE—consists of the County of Bruce.

THE ELECTORAL DISTRICT OF BURLINGTON SOUTH—consists of that part of the City of Burlington lying southerly and westerly of a line described as follows: Commencing at the intersection of the southwesterly limit of the City of Burlington with the King's Highway No. 403; thence northeasterly along said Highway to the Queen Elizabeth Way; thence northeasterly along the Queen Elizabeth Way to the northeasterly limit of the City of Burlington; thence southeasterly along the said limit to New Street; thence southwesterly along New Street to Appleby Line; thence southeasterly along Appleby Line to Appleby Place; thence southeasterly along Appleby Place and its southeasterly prolongation to the shore of Lake Ontario; thence northeasterly along the said shore to the northeasterly limit of the City of Burlington.

THE ELECTORAL DISTRICT OF CAMBRIDGE—consists of the City of Cambridge and of that part of the Township of North Dumfries lying within the geographic Township of Beverly.

THE ELECTORAL DISTRICT OF CARLETON—consists of the City of Kanata and the townships of Goulbourn, Osgoode, Rideau and West Carleton.

THE ELECTORAL DISTRICT OF CARLETON EAST—consists of the Village of Rockcliffe Park and of that part of the cities of Gloucester and Ottawa lying within the following limits: Commencing at the intersection of the easterly limit of the City of Ottawa with the Queensway; thence easterly along the Queensway to Blair Road; thence northerly along Blair Road to Montreal Road; thence westerly along Montreal Road to the easterly limit of the City of Vanier; thence northerly along the said limit to Beechwood Avenue; thence southwesterly along Beechwood Avenue to the limit between the City of Ottawa and the Village of Rockcliffe Park; thence northerly and westerly along the said limit to the most northwesterly corner of the Village of Rockcliffe Park; thence northeasterly along the northwesterly limit of the Village of Rockcliffe Park to Princess Avenue; thence northwesterly along Princess Avenue to Rockcliffe Driveway; thence north 45° 00' west to the Interprovincial Boundary between Ontario and Quebec; thence easterly along the said Interprovincial Boundary to the northeasterly corner of the City of Gloucester; thence southerly, westerly and northerly along the easterly, southerly and westerly limits of the City of Gloucester to the northwesterly corner of the said city; thence easterly along the northerly limit of the City of Gloucester to the westerly limit of the Ottawa International Airport; thence southerly along the said limit to Leitrim Drive; thence easterly along Leitrim Drive to Albion Road; thence northerly along Albion Road to Leitrim Road; thence easterly along Leitrim Road to the King's Highway No. 31; thence northerly along said Highway to Conroy Road; thence northerly along Conroy Road to the southerly limit of the City of Ottawa; thence easterly and northerly along the southerly and easterly limits of the City of Ottawa to the point of commencement.

THE ELECTORAL DISTRICT OF CHATHAM-KENT—consists of the City of Chatham, the towns of Bothwell, Dresden and Wallaceburg and the townships of Camden, Chatham, Dover and Zone.

THE ELECTORAL DISTRICT OF COCHRANE NORTH—consists of the geographic townships of Ebbs and Templeton; that part of the Territorial District of Cochrane lying northerly and westerly of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with the water's edge along the southerly shore of Lake Abitibi; thence northwesterly along that water's edge to the south boundary of the geographic Township of Galna; thence westerly along the south boundary of the geographic townships of Galna and Moody to the north limit of the Town of Iroquois Falls; thence westerly along the said limit to the northeast corner of the geographic Township of Teffy; thence westerly along the north boundary of the said township to the northwest corner thereof; thence westerly along the north limit of the Town of Iroquois Falls to the northwest corner thereof; thence southerly along the west limit of the said town to the north limit of the City of Timmins; thence westerly along the north limit of the said city to the northwest corner thereof; thence westerly along the north boundary of the geographic Township of Byers to the northwest corner thereof; thence southerly along the west boundary of the geographic townships of Byers, Cote and Massey to the south boundary of the geographic Township of Enid; and that part of the Territorial District of Kenora lying easterly of a line described as follows: Commencing at the northerly extremity of the boundary between the territorial districts of Cochrane and Thunder Bay; thence northerly along a meridian line to the 212 Mile Post planted thereon by A. Tarvydas, O.L.S., in 1958; thence north astronomically to the shore of Hudson Bay.

THE ELECTORAL DISTRICT OF COCHRANE SOUTH—consists of that part of the Territorial District of Cochrane lying southerly and easterly of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with the water's edge along the southerly shore of Lake Abitibi; thence northwesterly along that water's edge to the south

boundary of the geographic Township of Galna; thence westerly along the south boundary of the geographic townships of Galna and Moody to the north limit of the Town of Iroquois Falls; thence westerly along the said limit to the northeast corner of the geographic Township of Teffy; thence westerly along the north boundary of the said township to the northwest corner thereof; thence westerly along the north limit of the Town of Iroquois Falls to the northwest corner thereof; thence southerly along the west limit of the said town to the north limit of the City of Timmins; thence westerly along the north limit of the said city to the northwest corner thereof; thence westerly along the north boundary of the geographic Township of Byers to the northwest corner thereof; thence southerly along the west boundary of the geographic townships of Byers, Cote and Massey to the south boundary of the geographic Township of Enid.

THE ELECTORAL DISTRICT OF CORNWALL—consists of the City of Cornwall, the townships of Charlottenburgh and Cornwall, and Indian Reserve No. 59.

THE ELECTORAL DISTRICT OF DON MILLS—consists of that part of the City of North York and of the Borough of East York lying within the following limits: Commencing at the intersection of Lawrence Avenue East with the easterly limit of the City of North York; thence southerly along the easterly limit of the City of North York and of the Borough of East York to the southerly limit of the said borough; thence westerly along the said southerly limit to Chisholm Avenue; thence northerly along Chisholm Avenue and its northerly prolongation to Taylor Creek; thence northwesterly along Taylor Creek to the Don River; thence westerly along the Don River to Don Mills Road; thence northerly along Don Mills Road to the southerly limit of the City of North York; thence northwesterly, westerly and northerly along the said limit to the easterly extremity of the course thereon oriented in an easterly and westerly direction and situated immediately north of Glen Echo Road; thence easterly on the easterly prolongation of the said course to the Don River West Branch; thence southeasterly along the Don River West Branch to the westerly prolongation of Lawrence Avenue East; thence easterly along the said prolongation to and along Lawrence Avenue East to the point of commencement.

THE ELECTORAL DISTRICT OF DOVERCOURT—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of the southerly limit of the City of York with Bathurst Street; thence southerly along Bathurst Street to Bloor Street West; thence westerly along Bloor Street West to the Canadian National railway line situated immediately west of Helens Avenue; thence northerly along the said railway line to St. Clair Avenue West; thence westerly along St. Clair Avenue West to the Canadian National railway line situated immediately northeast of Weston Road; thence northwesterly along the said railway line to the northerly limit of the City of Toronto; thence easterly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF DOWNSVIEW—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Black Creek with the northerly limit of the City of North York; thence easterly along the said limit to Dufferin Street; thence southerly along Dufferin Street to Allen Road; thence southerly along Allen Road to the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to Jane Street; thence northerly along Jane Street to Finch Avenue West; thence easterly along Finch Avenue West to Black Creek; thence northerly along Black Creek to the point of commencement.

THE ELECTORAL DISTRICT OF DUFFERIN-PEEL—consists of the County of Dufferin and the Town of Caledon.

THE ELECTORAL DISTRICT OF DURHAM CENTRE—consists of that part of the Town of Whitby lying southerly of Taunton Road and that part of the City of Oshawa lying within the following limits: Commencing at the intersection of the westerly limit of the City of Oshawa with King Street West; thence easterly along King Street West to Ritson Road North; thence northerly along Ritson Road North to Taunton Road; thence westerly along Taunton Road to the westerly limit of the City of Oshawa; thence southerly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF DURHAM EAST—consists of that part of the City of Oshawa lying northerly of Taunton Road, that part of the Town of Whitby lying northerly of Taunton Road, the Town of Newcastle, the townships of Manvers and Scugog and Indian Reserve No. 34.

THE ELECTORAL DISTRICT OF DURHAM WEST—consists of the towns of Ajax and Pickering.

THE ELECTORAL DISTRICT OF DURHAM-YORK—consists of the towns of East Gwillimbury and Whitchurch-Stouffville, the townships of Brock, Georgina and Uxbridge, and Indian Reserve No. 33.

THE ELECTORAL DISTRICT OF EGLINTON—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Eglinton Avenue West with Latimer Avenue; thence northerly along Latimer Avenue to Roselawn Avenue; thence easterly along Roselawn Avenue to Castlewood Road; thence northerly along Castlewood Road to Briar Hill Avenue; thence westerly along Briar Hill Avenue to the southerly prolongation of the course in the northerly limit of the City of Toronto oriented in a northerly and southerly direction and situated immediately west of Proudfoot Avenue; thence northerly along the said prolongation to the northerly limit of the City of Toronto; thence northerly, easterly and southerly along the said limit to the westerly limit of the Borough of East York; thence southerly along the said limit to the southerly limit of Mount Pleasant Cemetery; thence westerly along the said limit to Yonge Street; thence northerly along Yonge Street to the abandoned Canadian National railway line situated immediately south of Merton Street; thence northwesterly along the said railway line to the southerly prolongation of Duncannon Drive; thence northerly along the said prolongation to and along Duncannon Drive to Eglinton Avenue West; thence westerly along Eglinton Avenue West to the point of commencement.

THE ELECTORAL DISTRICT OF ELGIN—consists of the County of Elgin.

THE ELECTORAL DISTRICT OF ESSEX-KENT—consists of the towns of Belle River, Blenheim, Ridgetown and Tilbury, the villages of Erie Beach, Erieau, Highgate, Thamesville and Wheatley, and the townships of Harwich, Howard, Maidstone, Orford, Raleigh, Rochester, Romney, Sandwich South, Tilbury East, Tilbury North and Tilbury West.

THE ELECTORAL DISTRICT OF ESSEX SOUTH—consists of the towns of Amherstburg, Essex, Harrow, Kingsville and Leamington, and the townships of Anderdon, Colchester North, Colchester South, Gosfield North, Gosfield South, Malden, Mersea and Pelee.

THE ELECTORAL DISTRICT OF ETOBICOKE-HUMBER—consists of that part of the City of Etobicoke lying within the following limits: Commencing at the intersection of Bloor Street West with Kipling Avenue; thence northerly along Kipling Avenue to The Westway; thence westerly along The Westway to Martin Grove Road; thence northerly along Martin Grove Road to the Macdonald-Cartier Freeway; thence northeasterly along the Macdonald-Cartier Freeway to the easterly limit of the City of Etobicoke; thence southeasterly along the said limit to Bloor Street West; thence westerly along Bloor Street West to the point of commencement.

THE ELECTORAL DISTRICT OF ETOBICOKE-LAKESHORE—consists of that part of the City of Etobicoke lying southerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Etobicoke with the Canadian Pacific railway line; thence northeasterly along the said railway line to Kipling Avenue; thence northerly along Kipling Avenue to Bloor Street West; thence easterly along Bloor Street West to the easterly limit of the City of Etobicoke.

THE ELECTORAL DISTRICT OF ETOBICOKE-REXDALE—consists of that part of the City of Etobicoke lying northerly of the Macdonald-Cartier Freeway.

THE ELECTORAL DISTRICT OF ETOBICOKE WEST—consists of that part of the City of Etobicoke lying within the following limits: Commencing at the intersection of the Canadian Pacific railway line with the westerly limit of the City of Etobicoke; thence northerly along the said limit to the Macdonald-Cartier Freeway; thence northeasterly along the Macdonald-Cartier Freeway to Martin Grove Road; thence southerly along Martin Grove Road to The Westway; thence easterly along The Westway to Kipling Avenue; thence southerly along Kipling Avenue to the Canadian Pacific railway line; thence southwest-erly along the said railway line to the point of commencement.

THE ELECTORAL DISTRICT OF FORT WILLIAM—consists of that part of the Territorial District of Thunder Bay lying within the following limits: Commencing at the intersection of the International Boundary between Canada and the United States of America with a line drawn on a course of south astronomic from the southwest corner of the geographic Township of Devon; thence north astronomically along the said line to the southwest corner of the said township; thence northerly along the west boundary of the geographic townships of Devon, Fraleigh, Lybster and Marks to the northwest corner of the last mentioned township; thence easterly along the north boundary of the geographic Township of Marks to the northwest corner of the Township of O'Connor; thence easterly along the north boundary of the said township to the northeast corner thereof; thence southerly along the east boundary of the Township of O'Connor to the northwest corner of the Township of Paipoonge; thence easterly along the north boundary of the said township to the northeast corner thereof; thence easterly along the north boundary of the former Township of Neebing and of the former City of Fort William, both as existing prior to January 1, 1970, to the Lakehead Expressway; thence northerly along the Lakehead Expressway to the Harbour Access Route; thence easterly along the Harbour Access Route to Golf Links Road; thence southerly along Golf Links Road to the north limit of the former City of Fort William, as existing prior to January 1, 1970; thence easterly along the said limit and its easterly prolongation to the line of longitude 89° 00'; thence south astronomically along the said line of longitude to the International Boundary between Canada and the United States of America; thence southwesterly and westerly along the said International Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF FORT YORK—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Ossington Avenue with Bloor Street West; thence easterly along Bloor Street West to Bathurst Street; thence southerly along Bathurst Street to College Street; thence easterly along College Street to Carlton Street; thence easterly along Carlton Street to Sherbourne Street; thence southerly along Sherbourne Street and its southerly prolongation to the water's edge of Inner Harbour; thence easterly along the said water's edge to the northerly prolongation of the centre line of Eastern Channel of Inner Harbour; thence southerly along the said prolongation to and along the said centre line to the southerly extremity thereof; thence southerly along the prolongation of the said centre line to the southerly limit of the City of Toronto; thence westerly and northwesterly along the southerly and southwesterly limits of the said city to the

southerly prolongation of Strachan Avenue; thence northerly along the said prolongation to and along Strachan Avenue to the Gardiner Expressway; thence westerly along the Gardiner Expressway to the southerly prolongation of Atlantic Avenue; thence northerly along the said prolongation to and along Atlantic Avenue to King Street West; thence easterly along King Street West to the southerly prolongation of Dovercourt Road; thence northerly along the said prolongation to and along Dovercourt Road to College Street; thence easterly along College Street to Ossington Avenue; thence northerly along Ossington Avenue to the point of commencement.

THE ELECTORAL DISTRICT OF FRONTENAC-ADDINGTON—consists of that part of the County of Frontenac lying northerly of a line described as follows: Commencing at the intersection of the easterly limit of the Township of Pittsburgh with the Macdonald-Cartier Freeway; thence southwesterly along the Macdonald-Cartier Freeway to the northerly limit of the City of Kingston; thence westerly and southerly along the northerly and westerly limits of the City of Kingston to the shore of Lake Ontario; thence westerly along the said shore to the westerly boundary of the Township of Kingston; and that part of the County of Lennox and Addington lying northerly of a line described as follows: Commencing at the southeasterly corner of the Township of Camden East; thence westerly along the southerly boundary of the Township of Camden East to the southeasterly corner of the Village of Newburgh; thence westerly along the southerly limit of the said village to the southerly boundary of the Township of Camden East; thence westerly along the southerly limit of the said township to the southwesterly corner thereof; thence northerly along the westerly boundary of the said township to the northeasterly corner of the Township of Richmond.

THE ELECTORAL DISTRICT OF GREY—consists of the County of Grey.

THE ELECTORAL DISTRICT OF GUELPH—consists of the City of Guelph.

THE ELECTORAL DISTRICT OF HALTON CENTRE—consists of that part of the City of Burlington lying northerly and westerly of a line described as follows: Commencing at the intersection of the southwesterly limit of the City of Burlington with the King's Highway No. 403; thence northeasterly along said Highway to the Queen Elizabeth Way; thence northeasterly along the Queen Elizabeth Way to the northeasterly limit of the City of Burlington; and that part of the Town of Milton lying southerly of Derry Road; and that part of the Town of Oakville lying northerly of the Queen Elizabeth Way.

THE ELECTORAL DISTRICT OF HALTON NORTH—consists of the Town of Halton Hills and that part of the Town of Milton lying northerly of Derry Road.

THE ELECTORAL DISTRICT OF HAMILTON CENTRE—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of Queen Street with King Street; thence westerly along King Street to Chedoke Expressway; thence northerly along Chedoke Expressway to the Desjardins Canal; thence westerly along said canal to the westerly limit of the City of Hamilton; thence northerly and easterly along the westerly and northerly limits of the said city to the northerly prolongation of Sherman Avenue; thence southerly along the said prolongation to and along Sherman Avenue to Cannon Street; thence easterly along Cannon Street to Gage Avenue; thence southerly along Gage Avenue and its southerly prolongation to the brow of Hamilton Mountain; thence westerly along the said brow to the southerly prolongation of Queen Street; thence northerly along the said prolongation to and along Queen Street to the point of commencement.

THE ELECTORAL DISTRICT OF HAMILTON EAST—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of the easterly limit of the City of Hamilton with Queenston Road; thence westerly

along Queenston Road to Redhill Creek; thence southerly along Redhill Creek to the brow of Hamilton Mountain; thence westerly along the said brow to the southerly prolongation of Gage Avenue; thence northerly along the said prolongation to and along Gage Avenue to Cannon Street; thence westerly along Cannon Street to Sherman Avenue; thence northerly along Sherman Avenue and its northerly prolongation to the northerly limit of the City of Hamilton; thence easterly along the northerly limit of the said city to the northeasterly corner thereof; thence southerly along the easterly limit of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF HAMILTON MOUNTAIN—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of the southerly limit of the City of Hamilton with Upper James Street; thence northerly along Upper James Street to Fennell Avenue; thence easterly along Fennell Avenue to Upper Wellington Street; thence northerly along Upper Wellington Street and its northerly prolongation as aligned between Inverness Avenue and Concession Avenue to the brow of Hamilton Mountain; thence easterly along the said brow to the easterly limit of the City of Hamilton; thence southerly and westerly along the easterly and southerly limits of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF HAMILTON WEST—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of Upper James Street with the southerly limit of the City of Hamilton; thence westerly and northerly along the southerly and westerly limits of the said city to the Desjardins Canal; thence easterly along the said canal to the Chedoke Expressway; thence southerly along the Chedoke Expressway to King Street; thence easterly along King Street to Queen Street; thence southerly along Queen Street and its southerly prolongation to the brow of Hamilton Mountain; thence easterly along the said brow to the northerly prolongation of Upper Wellington Street as aligned between Inverness Avenue and Concession Avenue; thence southerly along the said prolongation to and along Upper Wellington Street to Fennell Avenue; thence westerly along Fennell Avenue to Upper James Street; thence southerly along Upper James Street to the point of commencement.

THE ELECTORAL DISTRICT OF HASTINGS-PETERBOROUGH—consists of that part of the County of Hastings lying northerly of a line described as follows: Commencing at the southwesterly corner of the Township of Rawdon; thence easterly along the southerly boundary of the said township to the westerly limit of the Village of Stirling; thence southerly, easterly and northerly along the westerly, southerly and easterly limits of the said village to the southerly boundary of the Township of Rawdon; thence easterly along the said boundary to the southwesterly corner of the Township of Huntingdon; thence easterly along the southerly boundary of the said township to the southwesterly corner of the Township of Hungerford; thence easterly along the southerly boundary of the said township to the southeasterly corner thereof; and the villages of Havelock, Lakefield and Norwood, and the townships of Asphodel, Belmont and Methuen, Burleigh and Anstruther, Chandos, Douro, Dummer, Galway and Cavendish, Harvey, and Otonabee.

THE ELECTORAL DISTRICT OF HIGH PARK-SWANSEA—consists of that part of the City of Toronto lying westerly of a line described as follows: Commencing at the intersection of the northerly limit of the City of Toronto with the Canadian National railway line situated immediately northeast of Weston Road; thence southeasterly along the said railway line to St. Clair Avenue West; thence easterly along St. Clair Avenue West to the Canadian National railway line situated immediately west of Caledonia Park Road; thence southerly along the said railway line to Bloor Street West; thence westerly along Bloor Street West to Dundas Street West; thence southerly along Dundas Street West to

Roncesvalles Avenue; thence southerly along Roncesvalles Avenue and its southerly prolongation to the southwesterly limit of the City of Toronto.

THE ELECTORAL DISTRICT OF HURON—consists of the County of Huron.

THE ELECTORAL DISTRICT OF KENORA—consists of that part of the Territorial District of Kenora lying northerly and westerly of a line described as follows: Commencing at the intersection of the International Boundary between Canada and the United States of America with a line drawn west astronomic from the westerly extremity of the 4th Base Line at the westerly shore of Aulneau Peninsula; thence east astronomically along the said line to the westerly extremity of the said 4th Base Line; thence easterly along the said base line to the 6th Meridian Line surveyed by A. Niven, O.L.S., in 1894; thence northerly along the 6th Meridian Line to the southwest corner of the geographic Township of Wainwright; thence easterly along the south boundary of the said township to the northwest corner of the Town of Dryden; thence southerly and easterly along the westerly and southerly limits of the said town to the west limit of the Township of Barclay; thence northerly, easterly and southerly along the west, north and east limits of the said township to the south boundary of the geographic Township of Brownridge; thence easterly along the south boundary of the geographic townships of Brownridge, Laval and McAree to the southeast corner of the last mentioned township; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the southwest corner of Block 9; thence easterly along the south boundary of the said block to the southeast corner thereof; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the boundary between the territorial districts of Kenora and Thunder Bay; thence northerly along the said boundary to the northwesterly corner of the Territorial District of Thunder Bay; thence continuing northerly along a meridian line to the 215 + 78.207 Mile Post planted thereon by A. Tarvydas, O.L.S., in 1957; thence north astronomically to the Interprovincial Boundary between Ontario and Manitoba.

THE ELECTORAL DISTRICT OF KINGSTON AND THE ISLANDS—consists of the City of Kingston, the townships of Amherst Island, Howe Island, and Wolfe Island, and that part of the Township of Pittsburgh lying southerly of the Macdonald-Cartier Freeway.

THE ELECTORAL DISTRICT OF KITCHENER—consists of that part of the City of Kitchener lying northerly and westerly of the Conestoga Parkway.

THE ELECTORAL DISTRICT OF KITCHENER-WILMOT—consists of the Township of Wilmot and that part of the City of Kitchener lying southerly and easterly of the Conestoga Parkway.

THE ELECTORAL DISTRICT OF LAKE NIPIGON—consists of the community of English River in the Territorial District of Kenora and that part of the territorial districts of Kenora and Thunder Bay lying within the following limits: Commencing at the 215 + 78.207 Mile Post planted on a meridian line in the Territorial District of Kenora surveyed by A. Tarvydas, O.L.S., in 1957; thence southerly along that meridian line to the northerly extremity of the west boundary of the Territorial District of Thunder Bay; thence southerly along the said boundary to the International Boundary between Canada and the United States of America; thence easterly along the said International Boundary to the intersection with a line drawn south astronomic from the southeast corner of the geographic Township of Hartington; thence north astronomically along that line to the southeast corner of the geographic Township of Hartington; thence northerly along the east boundary of the geographic townships of Hartington, Lismore, Strange, Aldina, Sackville, Laurie and Blackwell to the northeast corner of the last mentioned township; thence easterly along the south boundary of the geographic Township of Soper and of Block 1 to the southeast corner of Block 1; thence northerly along the east boundary of

Block 1 to the northwest corner of the geographic Township of Fowler; thence easterly along the north boundary of the geographic townships of Fowler and Jacques to the northeast corner of the last mentioned township; thence southerly along the east boundary of the said township to the north boundary of the geographic Township of Gorham; thence easterly along the north boundary of the said township to the northeast corner thereof; thence southerly along the east boundary of the geographic Township of Gorham to the northwest corner of the Township of Shuniah; thence easterly and northerly along the north and west boundaries of the Township of Shuniah to the southwest corner of the Township of Dorion; thence easterly along the south boundary of the said township to the southeast corner thereof; thence east astronomically to the centre line of Black Bay of Lake Superior; thence southerly along that centre line to the southerly extremity thereof; thence south astronomically to the International Boundary between Canada and the United States of America; thence northeasterly and southeasterly along the said International Boundary to the southeast corner of the Territorial District of Thunder Bay; thence northerly, westerly and northerly along the east boundary of the Territorial District of Thunder Bay to the northeast corner thereof; thence northerly along a meridian line to the 212 Mile Post planted thereon by A. Tarvydas, O.L.S., in 1958; thence north astronomically to the shore of Hudson Bay; thence northwesterly along the said shore to the Interprovincial Boundary between Ontario and Manitoba; thence southwesterly along the said Interprovincial Boundary to the intersection with a line drawn north astronomic from the point of commencement; thence south astronomically along the said line to the point of commencement.

THE ELECTORAL DISTRICT OF LAMBTON—consists of that part of the County of Lambton lying southerly and easterly of a line described as follows: Commencing at the southwesterly corner of Indian Reserve No. 45; thence easterly along the southerly boundary of Indian Reserve No. 45 to the southeasterly corner thereof; thence northerly along the easterly limit of Indian Reserve No. 45 to the easterly limit of the City of Sarnia; thence northerly along the said limit to Confederation Street; thence easterly along Confederation Street to Modeland Road; thence northerly along Modeland Road and its northerly prolongation to the northerly boundary of the Township of Sarnia.

THE ELECTORAL DISTRICT OF LANARK-RENFREW—consists of the County of Lanark, the towns of Arnprior and Renfrew, the Village of Braeside and the townships of Admaston, Bagot and Blithfield, Horton and McNab.

THE ELECTORAL DISTRICT OF LAWRENCE—consists of that part of the City of North York lying southerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of North York with the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to Allen Road; thence southerly along Allen Road to the westerly prolongation of Baycrest Avenue; thence easterly along the said prolongation to and along Baycrest Avenue to Bathurst Street; thence southerly along Bathurst Street to Old Orchard Grove; thence easterly along Old Orchard Grove to the southerly limit of the City of North York.

THE ELECTORAL DISTRICT OF LEEDS-GRENVILLE—consists of the County of Leeds, the Town of Prescott, the Village of Merrickville and the townships of Augusta and Wolford.

THE ELECTORAL DISTRICT OF LINCOLN—consists of the towns of Grimsby, Lincoln and Pelham, the Township of West Lincoln, and that part of the City of St. Catharines lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of St. Catharines with Twelve Mile Creek; thence northerly along Twelve Mile Creek to the Queen Elizabeth Way; thence westerly along the Queen Elizabeth Way to Martindale Road; thence northerly along Martindale Road to Lakeshore Road West;

thence westerly along Lakeshore Road West to Courtleigh Road; thence northerly along Courtleigh Road and its northerly prolongation to the northerly limit of the City of St. Catharines.

THE ELECTORAL DISTRICT OF LONDON CENTRE—consists of that part of the City of London lying within the following limits: Commencing at the intersection of Oxford Street with Highbury Avenue; thence northerly along Highbury Avenue to Huron Street; thence easterly along Huron Street to Clarke Side Road; thence southerly along Clarke Side Road and its southerly prolongation to the limit between the City of London and the Township of Westminster; thence westerly and southerly along the said limit to Commissioners Road; thence westerly along Commissioners Road to the Canadian National railway line; thence northwesterly along the said railway line to the easterly prolongation of Base Line Road; thence westerly to and along Base Line Road to Wharncliffe Road South; thence northerly along Wharncliffe Road South to the Thames River; thence easterly along the said river to the North Thames River; thence northerly along the North Thames River to Oxford Street; thence easterly along Oxford Street to the point of commencement.

THE ELECTORAL DISTRICT OF LONDON NORTH—consists of that part of the City of London lying within the following limits: Commencing at the intersection of Oxford Street with Highbury Avenue; thence northerly along Highbury Avenue to the northerly limit of the City of London; thence westerly and southerly along the northerly and westerly limits of the said city to the Thames River; thence easterly along the Thames River to the North Thames River; thence northerly along the North Thames River to Oxford Street; thence easterly along Oxford Street to the point of commencement.

THE ELECTORAL DISTRICT OF LONDON SOUTH—consists of that part of the City of London lying within the following limits: Commencing at the intersection of the westerly limit of the City of London with the Thames River; thence easterly along the Thames River to Wharncliffe Road South; thence southerly along Wharncliffe Road South to Base Line Road; thence easterly along Base Line Road and its easterly prolongation to the Canadian National railway line; thence southeasterly along the Canadian National railway line to Commissioners Road; thence easterly along Commissioners Road to the easterly limit of the City of London; thence southerly, westerly and northerly along the easterly, southerly and westerly limits of the City of London to the point of commencement.

THE ELECTORAL DISTRICT OF MARKHAM—consists of the Town of Markham.

THE ELECTORAL DISTRICT OF MIDDLESEX—consists of the County of Middlesex and Indian reserves No. 41 and No. 42 but excluding that part of the City of London lying westerly of a line described as follows: Commencing at the intersection of the Thames River with the southerly prolongation of Clarke Side Road; thence northerly to and along Clarke Side Road to Huron Street; thence westerly along Huron Street to Highbury Avenue; thence northerly along Highbury Avenue to the northerly limit of the City of London.

THE ELECTORAL DISTRICT OF MISSISSAUGA EAST—consists of that part of the City of Mississauga lying within the following limits: Commencing at the intersection of Eglinton Avenue East with the easterly limit of the City of Mississauga; thence southerly along the easterly limit of the said city to Dundas Street East; thence southwesterly along Dundas Street East to Cawthra Road; thence southeasterly along Cawthra Road to the Queen Elizabeth Way; thence southwesterly along the Queen Elizabeth Way to Hurontario Street; thence northwesterly along Hurontario Street to Central Parkway East; thence easterly and northerly along Central Parkway East to Burnhamthorpe Road East; thence northeasterly along Burnhamthorpe Road East to Cawthra Road; thence northwesterly along Cawthra Road to Eglinton Avenue East;

thence northeasterly along Eglinton Avenue East to the point of commencement.

THE ELECTORAL DISTRICT OF MISSISSAUGA NORTH—consists of that part of the City of Mississauga lying northerly of Eglinton Avenue.

THE ELECTORAL DISTRICT OF MISSISSAUGA SOUTH—consists of that part of the City of Mississauga lying southerly of a line described as follows: Commencing at the intersection of the southwesterly limit of the City of Mississauga with the Queen Elizabeth Way; thence northeasterly along the Queen Elizabeth Way to Cawthra Road; thence northwesterly along Cawthra Road to Dundas Street East; thence northeasterly along Dundas Street East to the easterly limit of the City of Mississauga.

THE ELECTORAL DISTRICT OF MISSISSAUGA WEST—consists of that part of the City of Mississauga lying within the following limits: Commencing at the intersection of the westerly limit of the City of Mississauga with Eglinton Avenue West; thence northeasterly along Eglinton Avenue West and Eglinton Avenue East to Cawthra Road; thence southeasterly along Cawthra Road to Burnhamthorpe Road East; thence southwesterly along Burnhamthorpe Road East to Central Parkway East; thence southerly and westerly along Central Parkway East to Hurontario Street; thence southeasterly along Hurontario Street to the Queen Elizabeth Way; thence southwesterly along the Queen Elizabeth Way to the westerly limit of the City of Mississauga; thence northwesterly, southwesterly and northwesterly along the westerly limit of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF MUSKOKA-GEORGIAN BAY—consists of The District Municipality of Muskoka, the Town of Midland, the villages of Port McNicoll and Victoria Harbour and the townships of Matchedash and Tay.

THE ELECTORAL DISTRICT OF NEPEAN—consists of that part of the City of Nepean lying southerly and westerly of a line described as follows: Commencing at the intersection of the Rideau River with Black Rapids Creek; thence westerly along Black Rapids Creek to Woodroffe Avenue; thence northerly along Woodroffe Avenue to the Canadian National-Canadian Pacific railway line; thence easterly along the said railway line to Merivale Road; thence northerly along Merivale Road to Clyde Avenue; thence northerly along Clyde Avenue to the northerly limit of the City of Nepean.

THE ELECTORAL DISTRICT OF NIAGARA FALLS—consists of that part of the City of Niagara Falls lying northerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Niagara Falls with McLeod Road; thence easterly along McLeod Road to Stanley Avenue; thence southerly along Stanley Avenue and its southerly prolongation to the Welland River; thence easterly along the Welland River to a line drawn northwesterly and perpendicularly to Main Street from the intersection of Main Street with Sodom Road; thence southeasterly along the said line to the intersection of Main Street with Sodom Road; thence southerly along Sodom Road to Weinbrenner Road; thence easterly along Weinbrenner Road to Willoughby Drive; thence easterly along Edgeworth Road and its easterly prolongation to the water's edge along the shore of the Niagara River; thence south 45° 00' east to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF NIAGARA SOUTH—consists of the City of Port Colborne, the Town of Fort Erie, the Township of Wainfleet, and that part of the City of Niagara Falls lying southerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Niagara Falls with McLeod Road; thence easterly along McLeod Road to Stanley Avenue; thence southerly along Stanley Avenue and its southerly prolongation to the

Welland River; thence easterly along the Welland River to a line drawn northwesterly and perpendicularly to Main Street from the intersection of Main Street with Sodom Road; thence southeasterly along the said line to the intersection of Main Street with Sodom Road; thence southerly along Sodom Road to Weinbrenner Road; thence easterly along Weinbrenner Road to Wiloughby Drive; thence easterly along Edgeworth Road and its easterly prolongation to the water's edge along the shore of the Niagara River; thence south 45° 00' east to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF NICKEL BELT—consists of that part of the Territorial District of Sudbury lying northerly and westerly of a line described as follows: Commencing at the southeast corner of the geographic Township of Janes; thence westerly along the south boundary of the geographic townships of Janes, Davis and Scadding to the easterly limit of the Town of Nickel Centre; thence northerly and westerly along the limits of the Town of Nickel Centre to the easterly limit of the Town of Capreol; thence northerly, westerly, northerly, westerly and southerly along the limits of the Town of Capreol to the northerly limit of the Town of Valley East; thence westerly, southerly, easterly and southerly along the limits of the Town of Valley East to the northwest corner of the City of Sudbury; thence southerly along the westerly limit of the City of Sudbury to the southwest corner thereof; thence easterly along the southerly limit of the City of Sudbury to the east boundary of the geographic Township of Eden; thence southerly along the east boundary of the geographic townships of Eden, Bevin and Sale to the southerly boundary of the Territorial District of Sudbury; thence westerly along the said boundary to the southwest corner of the geographic Township of Roosevelt; thence northerly along the west boundary of the geographic townships of Roosevelt and Truman to the southeast corner of the Township of Nairn; thence westerly along the south boundary of the townships of Nairn and Baldwin to the southwest corner of the last mentioned township; thence westerly along the south boundary of the geographic townships of Shakespeare and Gough to the westerly boundary of the Territorial District of Sudbury.

THE ELECTORAL DISTRICT OF NIPISSING—consists of that part of the Territorial District of Nipissing lying within the following limits: Commencing at the northwest corner of the geographic Township of Hugel; thence easterly along the north boundary of the geographic townships of Hugel and Badgerow to the northwest corner of the Township of Field; thence easterly along the north boundary of the Township of Field to the northeast corner thereof; thence easterly along the north boundary of the geographic townships of Grant, Charlton, Blyth, Merrick, Mulock, French, Butler and Antoine to the northeast corner of the last mentioned township; thence easterly along the prolongation of the north boundary of the geographic Township of Antoine to the Interprovincial Boundary between Ontario and Quebec; thence southerly along the said Interprovincial Boundary to the northeast corner of the Township of Mattawan; thence westerly along the north boundary of the said township to the northwest corner thereof; thence southerly along the west boundary of the Township of Mattawan to the southwesterly corner thereof; thence westerly along the northerly boundary of the townships of Calvin, Bonfield and East Ferris to the northwesterly corner of the last mentioned township; thence southerly along the westerly boundary of the Township of East Ferris to the northeasterly corner of the Township of North Himsworth; thence westerly and northerly along the southerly and westerly boundaries of the Territorial District of Nipissing to the point of commencement.

THE ELECTORAL DISTRICT OF NORFOLK—consists of the City of Nanticoke, the towns of Simcoe and Tillsonburg and the townships of Delhi and Norfolk.

THE ELECTORAL DISTRICT OF NORTHUMBERLAND—consists of the County of Northumberland.

THE ELECTORAL DISTRICT OF OAKVILLE SOUTH—consists of that part of the Town of Oakville lying southerly of the Queen Elizabeth Way and that part of the City of Burlington lying within the following limits: Commencing at the intersection of the northeasterly limit of the City of Burlington with New Street; thence southwesterly along New Street to Appleby Line; thence southeasterly along Appleby Line to Appleby Place; thence southeasterly along Appleby Place and its southeasterly prolongation to the shore of Lake Ontario; thence northeasterly along the said shore to the northeasterly limit of the City of Burlington; thence northwesterly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF OAKWOOD—consists of that part of the cities of York and Toronto lying within the following limits: Commencing at the intersection of Eglinton Avenue West with Bathurst Street; thence southerly along Bathurst Street to the southerly limit of the City of York situated immediately north of St. Clair Avenue West; thence westerly along the said limit to the Canadian National railway line situated immediately east of Blackthorn Avenue; thence northerly along the said railway line to Eglinton Avenue West; thence westerly along Eglinton Avenue West to Keele Street; thence northerly along Keele Street to the northerly limit of the City of York; thence easterly along the said limit to Allen Road; thence southerly along Allen Road to Eglinton Avenue West; thence easterly along Eglinton Avenue West to the point of commencement.

THE ELECTORAL DISTRICT OF ORIOLE—consists of that part of the City of North York lying northerly of the Macdonald-Cartier Freeway and easterly of Leslie Street.

THE ELECTORAL DISTRICT OF OSHAWA—consists of that part of the City of Oshawa lying southerly and easterly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Oshawa with King Street West; thence easterly along King Street West to Ritson Road North; thence northerly along Ritson Road North to Taunton Road; thence easterly along Taunton Road to the easterly limit of the City of Oshawa.

THE ELECTORAL DISTRICT OF OTTAWA CENTRE—consists of that part of the City of Ottawa lying within the following limits: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with Island Park Drive; thence southerly along Island Park Drive to Merivale Road; thence southerly along Merivale Road to the southerly limit of the City of Ottawa; thence easterly along the said limit and its easterly prolongation to Fisher Avenue; thence northerly along Fisher Avenue to Base Line Road; thence easterly along Base Line Road to Heron Road; thence easterly along Heron Road to the Rideau Canal; thence northeasterly and northerly along the said canal to the northerly extremity thereof; thence north 45° 00' west to the Interprovincial Boundary between Ontario and Quebec; thence westerly along the said Interprovincial Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA EAST—consists of the City of Vanier, and that part of the cities of Gloucester and Ottawa lying within the following limits: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec and a line drawn on a course of north 45° 00' west from the northerly extremity of Rideau Canal; thence south 45° 00' east along the said line to the northerly extremity of the Rideau Canal; thence southerly along the said canal to the Queensway; thence easterly along the Queensway to Blair Road; thence northerly along Blair Road to Montreal Road; thence westerly along Montreal Road to the easterly limit of the City of Vanier; thence northerly along the said limit to Beechwood Avenue; thence southwesterly along Beechwood Avenue to the limit between the City of Ottawa and the Village of Rockcliffe Park; thence northerly and westerly along the said limit to the most northwesterly corner of the Village of Rockcliffe Park;

thence northeasterly along the northwesterly limit of the Village of Rockcliffe Park to Princess Avenue; thence northwesterly along Princess Avenue to Rockcliffe Driveway; thence north 45° 00' west to the Interprovincial Boundary between Ontario and Quebec; thence southwesterly along the said Interprovincial Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA-RIDEAU—consists of that part of the cities of Gloucester, Nepean and Ottawa lying within the following limits: Commencing at the intersection of Clyde Avenue with the northerly limit of the City of Nepean; thence easterly along the said limit and its easterly prolongation to Fisher Avenue; thence northerly along Fisher Avenue to Base Line Road; thence easterly along Base Line Road to the Rideau Canal; thence southerly along the Rideau Canal to the Rideau River; thence southerly along the Rideau River to the westerly prolongation of Walkley Road; thence easterly along the said prolongation to and along Walkley Road to its easterly extremity; thence easterly along the easterly prolongation of Walkley Road to the easterly limit of the City of Ottawa; thence southerly and westerly along the easterly and southerly limits of the City of Ottawa to Conroy Road; thence southerly along Conroy Road to the King's Highway No. 31; thence southerly along said Highway to Leitrim Road; thence westerly along Leitrim Road to Albion Road; thence southerly along Albion Road to Leitrim Drive; thence westerly along Leitrim Drive to the westerly limit of the part of the Ottawa International Airport lying northerly of Leitrim Drive; thence northerly along the said westerly limit to the northerly limit of the City of Gloucester; thence westerly along the said limit to the Rideau River; thence southerly along the Rideau River to Black Rapids Creek; thence westerly along Black Rapids Creek to Woodroffe Avenue; thence northerly along Woodroffe Avenue to the Canadian National Canadian Pacific railway line; thence easterly along the said railway line to Merivale Road; thence northerly along Merivale Road to Clyde Avenue; thence northerly along Clyde Avenue to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA SOUTH—consists of that part of the City of Ottawa lying within the following limits: Commencing at the intersection of the easterly limit of the City of Ottawa with the easterly prolongation of Walkley Road; thence westerly along the said prolongation to and along Walkley Road and its westerly prolongation to the Rideau River; thence northerly along the Rideau River to the Rideau Canal; thence northerly and easterly along the Rideau Canal to the Queensway; thence easterly along the Queensway to the easterly limit of the City of Ottawa; thence southerly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA WEST—consists of that part of the City of Ottawa lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of Ottawa with Merivale Road; thence northerly along Merivale Road to Island Park Drive; thence northerly along Island Park Drive to the Interprovincial Boundary between Ontario and Quebec.

THE ELECTORAL DISTRICT OF OXFORD—consists of the County of Oxford but excluding the Town of Tillsonburg.

THE ELECTORAL DISTRICT OF PARKDALE—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of the southwesterly limit of the City of Toronto with the southerly prolongation of Roncesvalles Avenue; thence northerly along the said prolongation to and along Roncesvalles Avenue to Dundas Street West; thence northerly along Dundas Street West to Bloor Street West; thence easterly along Bloor Street West to Ossington Avenue; thence southerly along Ossington Avenue to College Street; thence westerly along College Street to Dovercourt Road; thence southerly along Dovercourt Road and its southerly prolongation to King

Street West; thence westerly along King Street West to Atlantic Avenue; thence southerly along Atlantic Avenue and its southerly prolongation to the Gardiner Expressway; thence easterly along the Gardiner Expressway to Strachan Avenue; thence southerly along Strachan Avenue and its southerly prolongation to the southwesterly limit of the City of Toronto; thence northwesterly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF PARRY SOUND—consists of the Territorial District of Parry Sound and that part of the Territorial District of Nipissing, but excluding the Township of Airy and the geographic townships of Dickens, Lyell, Murchison and Sabine, lying southerly of a line described as follows: Commencing at the northeasterly corner of the Township of North Himsforth; thence northerly along the westerly boundary of the Township of East Ferris to the northwesterly corner thereof; thence easterly along the northerly boundary of the townships of East Ferris, Bonfield and Calvin to the southwesterly corner of the Township of Mattawan; thence northerly and easterly along the west and north boundaries of the Township of Mattawan to the northeasterly corner thereof.

THE ELECTORAL DISTRICT OF PERTH—consists of the County of Perth.

THE ELECTORAL DISTRICT OF PETERBOROUGH—consists of the City of Peterborough, the Village of Millbrook, the townships of Cavan, Ennismore, North Monaghan, South Monaghan and Smith, and Indian Reserve No. 35.

THE ELECTORAL DISTRICT OF PORT ARTHUR—consists of that part of the Territorial District of Thunder Bay lying within the following limits: Commencing at the southwest corner of the geographic Township of Adrian; thence northerly along the west boundary of the geographic townships of Adrian and Horne to the southerly boundary of the Dawson Road Lots; thence westerly, northerly and easterly along the southerly, westerly and northerly boundaries of the Dawson Road Lots to the west boundary of the geographic Township of Goldie; thence northerly along the west boundary of the geographic Township of Goldie to the northwest corner thereof; thence easterly along the north boundary of the geographic townships of Goldie and Forbes to the southeast corner of Block 1; thence northerly along the east boundary of the said block to the northwest corner of the geographic Township of Fowler; thence easterly along the north boundary of the geographic townships of Fowler and Jacques to the northeast corner of the last mentioned township; thence southerly along the east boundary of the geographic Township of Jacques to the north boundary of the geographic Township of Gorham; thence easterly along the north boundary of the said township to the northeast corner thereof; thence southerly along the east boundary of the geographic Township of Gorham to the northwest corner of the Township of Shuniah; thence easterly and northerly along the north and west boundaries of the Township of Shuniah to the southwest corner of the Township of Dorion; thence easterly along the south boundary of the said township to the southeast corner thereof; thence east astronomically to the centre line of Black Bay of Lake Superior; thence southerly along the said centre line to the southerly extremity thereof; thence south astronomically to the International Boundary between Canada and the United States of America; thence southwesterly along the said International Boundary to the line of longitude 89° 00'; thence north astronomically along the said line of longitude to the easterly prolongation of the south limit of the former City of Port Arthur, as existing prior to January 1, 1970; thence westerly along the said prolongation to and along the south limit of the said former City of Port Arthur to Golf Links Road; thence northerly along Golf Links Road to the Harbour Access Route; thence westerly along the Harbour Access Route to the Lakehead Expressway; thence southerly along the Lakehead Expressway to the south limit of the former City of Port Arthur as existing prior to January 1, 1970; thence westerly along the said limit and the south boundary of the former Township of McIntyre as existing prior to Janu-

ary 1, 1970, to the northeast corner of the Township of Paipoonge; thence westerly along the north boundary of the said township to the northwest corner thereof; thence northerly along the east boundary of the Township of O'Connor to the northeast corner thereof; thence westerly along the north boundary of the Township of O'Connor to the southeast corner of the geographic Township of Adrian; thence westerly along the south boundary of the said township to the point of commencement.

THE ELECTORAL DISTRICT OF PRESCOTT AND RUSSELL—consists of the counties of Prescott and Russell and the Township of Cumberland.

THE ELECTORAL DISTRICT OF PRINCE EDWARD-LENNOX—consists of the County of Prince Edward, the towns of Deseronto and Napanee, the Village of Bath, the townships of Adolphustown, Ernestown, North Fredericksburgh, Richmond, South Fredericksburgh, Thurlow and Tyendinaga, and Indian Reserve No. 38.

THE ELECTORAL DISTRICT OF QUINTE—consists of the cities of Belleville and Trenton, the Village of Frankford, and the Township of Sidney.

THE ELECTORAL DISTRICT OF RAINY RIVER—consists of the Territorial District of Rainy River and that part of the Territorial District of Kenora, excluding the community of English River, lying south of a line described as follows: Commencing at the intersection of the International Boundary between Canada and the United States of America with a line drawn west astronomic from the westerly extremity of the 4th Base Line at the westerly shore of Aulneau Peninsula; thence east astronomically along the said line to the westerly extremity of the said 4th Base Line; thence easterly along the said base line to the 6th Meridian Line surveyed by A. Niven, O.L.S., in 1894; thence northerly along the 6th Meridian Line to the northwest corner of the geographic Township of Van Horne; thence easterly along the north boundary of the said township to the northwest corner of the Town of Dryden; thence southerly and easterly along the westerly and southerly limits of the said town to the west limit of the Township of Barclay; thence northerly, easterly and southerly along the west, north and east boundaries of the said township to the north boundary of the geographic Township of Zealand; thence easterly along the north boundary of the geographic townships of Zealand, Hartman and MacFie to the northeast corner of the last mentioned township; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the southwest corner of Block 9; thence easterly along the south boundary of the said block to the southeast corner thereof; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the boundary between the territorial districts of Kenora and Thunder Bay.

THE ELECTORAL DISTRICT OF RENFREW NORTH—consists of the Township of Airy, the geographic townships of Dickens, Lyell, Murchison and Sabine, and the County of Renfrew but excluding the towns of Arnprior and Renfrew, the Village of Braeside and the townships of Admaston, Bagot and Blithfield, Horton and McNab.

THE ELECTORAL DISTRICT OF RIVERDALE—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of the Don River with the northerly limit of the City of Toronto; thence easterly along the said limit to Coxwell Avenue; thence southerly along Coxwell Avenue to the Canadian National railway line; thence southwesterly along the said railway line to Greenwood Avenue; thence southerly along Greenwood Avenue to Queen Street East; thence westerly along Queen Street East to Leslie Street; thence southerly along Leslie Street and its southerly prolongation to the southerly limit of the City of Toronto; thence westerly along the said limit to the southerly prolongation of the centre line of Eastern Channel of Inner Harbour; thence northerly along the said prolongation to and along the said centre line to the northerly extremity thereof; thence northerly along the

prolongation of the said centre line to the water's edge of Inner Harbour; thence easterly along the said water's edge to the northerly side of the Keating Channel; thence easterly along the said northerly side to the Don River; thence northerly along the Don River to the point of commencement.

THE ELECTORAL DISTRICT OF ST. ANDREW-ST. PATRICK—consists of that part of the cities of Toronto and York lying within the following limits: Commencing at the intersection of Yonge Street with College Street; thence westerly along College Street to Bathurst Street; thence northerly along Bathurst Street to Eglinton Avenue West; thence westerly along Eglinton Avenue West to Allen Road; thence northerly along Allen Road to the northerly limit of the City of Toronto; thence easterly along the said limit to the southerly extremity of the course thereon oriented in a northerly and southerly direction and situated immediately west of Proudfoot Avenue; thence southerly along the prolongation of the said course in the northerly limit of the City of Toronto to Briar Hill Avenue; thence easterly along Briar Hill Avenue to Castlewood Road; thence southerly along Castlewood Road to Roselawn Avenue; thence westerly along Roselawn Avenue to Latimer Avenue; thence southerly along Latimer Avenue to Eglinton Avenue West; thence easterly along Eglinton Avenue West to Duncannon Drive; thence southerly along Duncannon Drive and its southerly prolongation to the abandoned Canadian National railway line situated immediately southwesterly of Chaplin Crescent; thence southeasterly along the said railway line to Yonge Street; thence southerly along Yonge Street to the easterly prolongation of Lonsdale Road; thence westerly along the said prolongation to and along Lonsdale Road to Avenue Road; thence southerly along Avenue Road to St. Clair Avenue West; thence easterly along St. Clair Avenue West to Yonge Street; thence southerly along Yonge Street to the point of commencement.

THE ELECTORAL DISTRICT OF ST. CATHARINES—consists of that part of the City of St. Catharines lying northerly and easterly of a line described as follows: Commencing at the intersection of the easterly limit of the City of St. Catharines with the Queen Elizabeth Way; thence northwesterly along the Queen Elizabeth Way to Martindale Road; thence northerly along Martindale Road to Lakeshore Road West; thence westerly along Lakeshore Road West to Courtleigh Road; thence northerly along Courtleigh Road and its northerly prolongation to the northerly limit of the City of St. Catharines.

THE ELECTORAL DISTRICT OF ST. CATHARINES-BROCK—consists of the Town of Niagara-on-the-Lake and that part of the City of St. Catharines lying southerly and easterly of a line described as follows: Commencing at the intersection of the easterly limit of the City of St. Catharines with the Queen Elizabeth Way; thence northwesterly along the Queen Elizabeth Way to Twelve Mile Creek; thence southerly along Twelve Mile Creek to the southerly limit of the City of St. Catharines.

THE ELECTORAL DISTRICT OF ST. GEORGE-ST. DAVID—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Carlton Street with Yonge Street; thence northerly along Yonge Street to St. Clair Avenue West; thence westerly along St. Clair Avenue West to Avenue Road; thence northerly along Avenue Road to Lonsdale Road; thence easterly along Lonsdale Road and its easterly prolongation to Yonge Street; thence southerly along Yonge Street to the southerly limit of Mount Pleasant Cemetery; thence easterly along the said limit to the westerly limit of the Borough of East York; thence southerly and easterly along the westerly and southerly limits of the said borough to the Don River; thence southerly along the Don River to the northerly side of the Keating Channel; thence westerly along the said northerly side to the water's edge of Inner Harbour; thence westerly along the said water's edge to the southerly prolongation of Sherbourne Street; thence northerly along the said prolongation to and along

Sherbourne Street to Carlton Street; thence westerly along Carlton Street to the point of commencement.

THE ELECTORAL DISTRICT OF SARNIA—consists of the City of Sarnia, the Village of Point Edward, that part of the Township of Sarnia lying westerly of Modeland Road and northerly of Confederation Street, and Indian Reserve No. 45.

THE ELECTORAL DISTRICT OF SAULT STE. MARIE—consists of the City of Sault Ste. Marie.

THE ELECTORAL DISTRICT OF SCARBOROUGH-AGINCOURT—consists of that part of the City of Scarborough lying northerly of the Macdonald-Cartier Freeway and westerly of the Canadian National railway line situated immediately east of Kennedy Road.

THE ELECTORAL DISTRICT OF SCARBOROUGH CENTRE—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of Lawrence Avenue East and Markham Road; thence southerly along Markham Road and its southerly prolongation to the southerly limit of the City of Scarborough; thence westerly along the said limit to the southerly prolongation of Wynnview Court; thence northerly along the said prolongation to and along Wynnview Court to the northerly extremity thereof; thence northerly in a straight line to the southerly extremity of Kennedy Road; thence northerly along Kennedy Road to Eglinton Avenue East; thence easterly along Eglinton Avenue East to the Canadian National railway line situated immediately west of Midland Avenue; thence northerly along the said railway line to Lawrence Avenue East; thence easterly along Lawrence Avenue East to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH EAST—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of Markham Road with Lawrence Avenue East; thence easterly along Lawrence Avenue East to West Highland Creek; thence northerly along West Highland Creek to Highland Creek; thence northwesterly along Highland Creek to an unnamed creek immediately west of the westerly extremity of Silversand Place; thence northerly along the said unnamed creek to the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to the easterly limit of the City of Scarborough; thence southerly along the said limit to the southeasterly corner of the said city; thence westerly along the southerly limit of the said city to the southerly prolongation of Markham Road; thence northerly along the said prolongation to and along Markham Road to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH-ELLESMERE—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of the Macdonald-Cartier Freeway with Victoria Park Avenue; thence southerly along Victoria Park Avenue to Lawrence Avenue East; thence easterly along Lawrence Avenue East to West Highland Creek; thence northerly along West Highland Creek to Highland Creek; thence northerly along Highland Creek to an unnamed creek immediately west of the westerly extremity of Silversand Place; thence northerly along the said unnamed creek to the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH NORTH—consists of that part of the City of Scarborough lying northerly and easterly of a line described as follows: Commencing at the intersection of the easterly limit of the City of Scarborough with the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to the Canadian National railway line situated immediately east of Kennedy Road; thence northerly along the said railway line to the northerly limit of the City of Scarborough.

THE ELECTORAL DISTRICT OF SCARBOROUGH WEST—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of the westerly limit of the City of Scarborough with Lawrence Avenue East; thence easterly along Lawrence Avenue East to the Canadian National railway line; thence southerly along the said railway line to Eglinton Avenue East; thence westerly along Eglinton Avenue East to Kennedy Road; thence southerly along Kennedy Road to the southerly extremity thereof; thence southerly in a straight line to the northerly extremity of Wynnview Court; thence southerly along Wynnview Court and its southerly prolongation to the southerly limit of the City of Scarborough; thence westerly along the said limit to the southwest corner of the said city; thence northerly along the westerly limit of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF SIMCOE CENTRE—consists of the City of Barrie, the Town of Bradford, and the townships of Innisfil, Vespra and West Gwillimbury.

THE ELECTORAL DISTRICT OF SIMCOE EAST—consists of the City of Orillia, the Town of Penetanguishene, the villages of Coldwater and Elmvale, the townships of Flos, Mara, Medonte, Orillia, Oro, Rama and Tiny, and Indian reserves No. 30 and No. 32.

THE ELECTORAL DISTRICT OF SIMCOE WEST—consists of the towns of Alliston, Collingwood, Stayner, and Wasaga Beach, the villages of Beeton, Cookstown, Creemore and Tottenham, and the townships of Adjala, Essa, Nottawasaga, Sunnidale, Tecumseth and Tosorontio.

THE ELECTORAL DISTRICT OF STORMONT, DUNDAS AND GLENGARRY—consists of the towns of Alexandria and Kemptville, the villages of Cardinal, Chesterville, Finch, Iroquois, Lancaster, Maxville, Morrisburg and Winchester, and the townships of Edwardsburgh, Finch, Kenyon, Lancaster, Lochiel, Matilda, Mountain, Osnabrock, Oxford-on-Rideau, Roxborough, South Gower, Williamsburgh and Winchester.

THE ELECTORAL DISTRICT OF SUDBURY—consists of that part of the City of Sudbury lying within wards 1, 4, 5, 6, 7 and 8 and that part of wards 2 and 3 lying southerly of Lasalle Boulevard.

THE ELECTORAL DISTRICT OF SUDBURY EAST—consists of that part of the Territorial District of Sudbury lying within the following limits: Commencing at the southeast corner of the geographic Township of Janes; thence westerly along the south boundary of the geographic townships of Janes, Davis and Scadding to the easterly limit of the Town of Nickel Centre; thence northerly and westerly along the limits of the Town of Nickel Centre to the easterly limit of the Town of Capreol; thence northerly, westerly, northerly, westerly and southerly along the limits of the Town of Capreol to the northerly limit of the Town of Valley East; thence westerly, southerly, easterly and southerly along the limits of the Town of Valley East to the northwest corner of the City of Sudbury; thence easterly along the northerly limit of the City of Sudbury to the northeast corner of Ward 4; thence southerly along the easterly limit of Ward 4 to Lasalle Boulevard; thence easterly along Lasalle Boulevard to the easterly limit of the City of Sudbury; thence southerly along the said limit to the northeast corner of Ward 9; thence westerly along the north limit of Ward 9 to the westerly limit of the City of Sudbury; thence southerly along the westerly limit of the City of Sudbury to the southwest corner thereof; thence easterly along the southerly limit of the City of Sudbury to the west boundary of the geographic Township of Tilton; thence southerly along the west boundary of the geographic townships of Tilton, Halifax, Attlee, Kilpatrick and Travers to the boundary between the territorial districts of Sudbury and Parry Sound; thence easterly along the said boundary to the boundary between the territorial districts of Sudbury and Nipissing; thence westerly and northerly along the said boundary to the point of commencement.

THE ELECTORAL DISTRICT OF TIMISKAMING—consists of the Territorial District of Timiskaming and that part of the Territorial District of Nipissing lying northerly of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with the easterly prolongation of the south boundary of the geographic Township of Eddy; thence westerly along the said prolongation to and along the south boundary of the geographic Township of Eddy and of the geographic townships of Jocko, Lockhart, Stewart, Notman, Lyman, Fell, Bastedo, Gibbons and Crerar to the southwest corner of the last mentioned township.

THE ELECTORAL DISTRICT OF VICTORIA-HALIBURTON—consists of the counties of Haliburton and Victoria but excluding the Township of Manvers.

THE ELECTORAL DISTRICT OF WATERLOO NORTH—consists of the City of Waterloo and the townships of Wellesley and Woolwich.

THE ELECTORAL DISTRICT OF WELLAND-THOROLD—consists of the cities of Thorold and Welland.

THE ELECTORAL DISTRICT OF WELLINGTON—consists of the County of Wellington but excluding the City of Guelph.

THE ELECTORAL DISTRICT OF WENTWORTH EAST—consists of the Township of Glanbrook, the City of Stoney Creek and that part of the City of Hamilton lying within the following limits: Commencing at the intersection of the easterly limit of the City of Hamilton with the brow of Hamilton Mountain; thence southwesterly along the said brow to Redhill Creek; thence northerly along Redhill Creek to Queenston Road; thence easterly along Queenston Road to the easterly limit of the City of Hamilton; thence southerly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF WENTWORTH NORTH—consists of the towns of Ancaster and Dundas and the Township of Flamborough.

THE ELECTORAL DISTRICT OF WILLOWDALE—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Yonge Street with the northerly limit of the City of North York; thence easterly along the said limit to Leslie Street; thence southerly along Leslie Street to the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to Bathurst Street; thence northerly along Bathurst Street to Finch Avenue West; thence easterly along Finch Avenue West to Yonge Street; thence northerly along Yonge Street to the point of commencement.

THE ELECTORAL DISTRICT OF WILSON HEIGHTS—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Dufferin Street with the northerly limit of the City of North York; thence easterly along the said limit to Yonge Street; thence southerly along Yonge Street to Finch Avenue West; thence westerly along Finch Avenue West to Bathurst Street; thence southerly along Bathurst Street to the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to Avenue Road; thence southerly along Avenue Road to the westerly prolongation of the course in the southerly limit of the City of North York oriented in an easterly and westerly direction and situated immediately south of Brooke Avenue; thence easterly along the said prolongation to the southerly limit of the City of North York; thence southerly along the said limit to Old Orchard Grove; thence westerly along Old Orchard Grove to Bathurst Street; thence northerly along Bathurst Street to Baycrest Avenue; thence westerly along Baycrest Avenue and its westerly prolongation to Allen Road; thence northerly along Allen Road to Dufferin Street; thence northerly along Dufferin Street to the point of commencement.

THE ELECTORAL DISTRICT OF WINDSOR-RIVERSIDE—consists of the Town of Tecumseh, the Village of St. Clair Beach and that part of the City of Windsor (including Peche Island) lying easterly of a line described as follows: Commencing at the intersection of the International Boundary between Canada and the United States of America with the northerly prolongation of Buckingham Drive; thence southerly along the said prolongation to and along Buckingham Drive to Wyandotte Street East; thence westerly along Wyandotte Street East to Raymo Road; thence southerly along Raymo Road and its southerly prolongation to the Canadian National railway line; thence westerly along the said railway line to the northerly prolongation of Norman Road; thence southerly along the said prolongation to and along Norman Road to Tecumseh Road East; thence westerly along Tecumseh Road East to the Chesapeake and Ohio railway line; thence southerly along the said railway line to the southerly limit of the City of Windsor.

THE ELECTORAL DISTRICT OF WINDSOR-SANDWICH—consists of the Township of Sandwich West and that part of the City of Windsor lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of Windsor with Cabana Road West; thence easterly along Cabana Road West to Dougall Avenue; thence northerly along Dougall Avenue to Ouellette Place; thence northerly along Ouellette Place to Ouellette Avenue; thence northerly along Ouellette Avenue and its northerly prolongation to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF WINDSOR-WALKERVILLE—consists of that part of the City of Windsor lying within the following limits: Commencing at the intersection of the International Boundary between Canada and the United States of America with the northerly prolongation of Ouellette Avenue; thence southerly along the said prolongation to and along Ouellette Avenue to Ouellette Place; thence southerly along Ouellette Place to Dougall Avenue; thence southerly along Dougall Avenue to Cabana Road West; thence westerly along Cabana Road West to the southerly limit of the City of Windsor; thence easterly along the said limit to the Chesapeake and Ohio railway line; thence northerly along the said railway line to Tecumseh Road East; thence easterly along Tecumseh Road East to Norman Road; thence northerly along Norman Road and its northerly prolongation to the Canadian National railway line; thence easterly along the said railway line to the southerly prolongation of Raymo Road; thence northerly along the said prolongation to and along Raymo Road to Wyandotte Street East; thence easterly along Wyandotte Street East to Buckingham Drive; thence northerly along Buckingham Drive and its northerly prolongation to the International Boundary between Canada and the United States of America; thence westerly along the said International Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF YORK CENTRE—consists of the towns of Richmond Hill and Vaughan.

THE ELECTORAL DISTRICT OF YORK EAST—consists of that part of the Borough of East York lying within the following limits: Commencing at the intersection of Chisholm Avenue with the southerly limit of the Borough of East York; thence westerly, northerly, easterly and southeasterly along the southerly, westerly and northerly limits of the said borough to Don Mills Road; thence southerly along Don Mills Road to the Don River; thence easterly along the Don River to Taylor Creek; thence southeasterly along Taylor Creek to the northerly prolongation of Chisholm Avenue; thence southerly along the said prolongation to and along Chisholm Avenue to the point of commencement.

THE ELECTORAL DISTRICT OF YORK MILLS—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Avenue Road with the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to the easterly limit of the City of North York;

thence southerly along the said limit to Lawrence Avenue East; thence westerly along Lawrence Avenue East and its westerly prolongation to Don River West Branch; thence northwesterly along the Don River West Branch to the easterly prolongation of the course in the southerly limit of the City of North York oriented in an easterly and westerly direction and situated immediately north of Glen Echo Road; thence westerly along the said prolongation to and along the southerly limit of the City of North York to the westerly extremity of the course thereon oriented in an easterly and westerly direction and situated immediately south of Brooke Avenue; thence westerly along the prolongation of the said course to Avenue Road; thence northerly along Avenue Road to the point of commencement.

THE ELECTORAL DISTRICT OF YORK NORTH—consists of the towns of Aurora and Newmarket and the Township of King.

THE ELECTORAL DISTRICT OF YORK SOUTH—consists of that part of the City of York lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of York with the Canadian National railway line situated immediately east of Blackthorn Avenue; thence northerly along the said railway line to Eglinton Avenue West; thence westerly along Eglinton Avenue West to Keele Street; thence northerly along Keele Street to the northerly limit of the City of York.

THE ELECTORAL DISTRICT OF YORKVIEW—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Black Creek with the northerly limit of the City of North York; thence westerly and southerly along the northerly and westerly limits of the City of North York to the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to Jane Street; thence northerly along Jane Street to Finch Avenue West; thence easterly along Finch Avenue West to Black Creek; thence northerly along Black Creek to the point of commencement.

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Bill 77

(Chapter 30
Statutes of Ontario, 1986)

An Act to revise the Representation Act



The Hon. R. Nixon
Treasurer of Ontario and Minister of Economics

<i>1st Reading</i>	June 11th, 1986
<i>2nd Reading</i>	July 8th, 1986
<i>3rd Reading</i>	July 10th, 1986
<i>Royal Assent</i>	July 10th, 1986

Bill 77

1986

An Act to revise the Representation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The boundaries of every territorial district, county, city, town, village, township, improvement district, borough, district municipality, regional municipality and ward in any municipality shall for the purpose of this Act be deemed to be the boundaries of such territorial district, county, city, town, village, township, improvement district, borough, district municipality, regional municipality and ward as defined by statute, by-law, proclamation or other lawful authority on the 6th day of January, 1986.

Boundaries
- 2.** The Legislative Assembly of Ontario shall consist of one hundred and thirty members.

Number of members
- 3.—(1)** Ontario shall, for the purpose of representation in the Assembly, be divided into electoral districts as set out in the Schedule.

Division of Ontario into electoral districts

(2) One member shall be returned to the Assembly for each electoral district.

One member per electoral district
- 4.** The boundaries of the electoral districts as set out in the Schedule shall not be affected by alterations in municipal or ward boundaries made after the 6th day of January, 1986.

Changes in municipal or ward boundaries
- 5.** Where a county, city, town, village, township, improvement district, borough, district municipality or regional municipality becomes incorporated and is not expressly included in an electoral district set out in the Schedule but is situated in part in two or more of such electoral districts, the electors entitled to vote in such municipality are entitled to vote in the electoral district in which they would have been entitled to vote if the county, city, town, village, township, improvement district, borough, district municipality or regional municipality had not become incorporated.

Municipalities on boundary lines

Augmen-
tation
or gores of
townships

6. Except as otherwise expressly set out in the Schedule, every augmentation or gore of a township shall for the purposes of this Act be considered as forming part of the electoral district in which the township is situated.

Municipalities
included in
electoral
district in
which situate

7. Every county, city, town, village, township, improvement district, borough, district municipality and regional municipality heretofore or hereafter incorporated, situate wholly within an electoral district as set out in the Schedule and not expressly included in any other electoral district in the Schedule, shall form part of the electoral district in which it is situate.

Special Act
overruled

8. Every county, city, town, village, township, improvement district, borough, district municipality or regional municipality that by the provisions of any special Act passed before this Act comes into force forms or forms part of an electoral district shall, notwithstanding such provisions, form or form part of the electoral district or districts in which it is included in the Schedule.

Repeal

9. The *Representation Act*, being chapter 450 of the Revised Statutes of Ontario, 1980, is repealed.

Commence-
ment

10.—(1) This Act comes into force and has effect upon the first dissolution of the Legislature that occurs after the 31st day of August, 1986.

Idem
1984, c. 54
1986, c. 33

(2) Notwithstanding subsection (1), for the purposes only of the appointment of returning officers under the *Election Act, 1984* and the registration of constituency associations under the *Election Finances Act, 1986*, and matters ancillary thereto, to be in effect for the purposes of an election held after the dissolution of the Legislature specified in subsection (1), the electoral districts set out in the Schedule shall be deemed to be established on the day this Act receives Royal Assent.

Short title

11. The short title of this Act is the *Representation Act, 1986*.

SCHEDULE

In the following descriptions,

- (a) a reference to a road, water feature or railway line signifies the centre line of the road, water feature or railway line, unless otherwise provided;
- (b) a reference to a territorial division or a municipality refers to the territorial division or municipality as it existed on the 6th day of January, 1986; and
- (c) every city, town, village, township, improvement district, development area and Indian reserve lying within the perimeter of an electoral district is included in the electoral district unless otherwise provided.

ELECTORAL DISTRICTS

THE ELECTORAL DISTRICT OF ALGOMA—consists of that part of the Territorial District of Algoma, but excluding the geographic townships of Ebbs and Templeton, lying northerly of a line described as follows: Commencing at the southeast corner of the geographic Township of Redden; thence westerly along the south boundary of the geographic townships of Redden, Prescott, Plourde, Piche, Viel and Sagard to the northeast corner of the geographic Township of Nicholas; thence southerly along the east boundary of the geographic Township of Nicholas to the northwest corner of the Town of Elliot Lake; thence southerly along the west limit of the Town of Elliot Lake to the northwest corner of the Township of The North Shore; thence southerly along the west boundary of that township to the southerly boundary of the Territorial District of Algoma; thence westerly along that boundary to the easterly limit of the City of Sault Ste. Marie; thence northerly along the easterly boundary of the City of Sault Ste. Marie to the northeast corner thereof; thence westerly along the north boundary of that city to the northwest corner thereof; thence southerly along the east boundary of the Township of Prince to the southeast corner thereof; thence westerly along the south boundary of the Township of Prince to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF ALGOMA-MANITOULIN—consists of the Territorial District of Manitoulin and that part of the territorial districts of Algoma and Sudbury lying within the following limits: Commencing at the intersection of the southerly boundary of the Territorial District of Sudbury with the east boundary of the geographic Township of Curtin; thence northerly along the east boundary of the geographic townships of Curtin and Foster to the northeast corner of the last mentioned township; thence westerly along the north boundary of the geographic townships of Foster and Merritt to the northeast corner of the Town of Espanola; thence westerly along the north boundary of the said town to the northwest corner thereof; thence westerly along the north boundary of the geographic Township of Merritt to the southeast corner of the geographic Township of Shakespeare; thence westerly along the south boundary of the geographic townships of Shakespeare and Gough to the southeast corner of the geographic Township of Tennyson; thence northerly along the east boundary of the geographic townships of Tennyson, Boon, Mandamin and Strain to the northeast corner of the last mentioned township; thence westerly along the north boundary of the geographic townships of Strain, Teasdale, Poncet, Hughson, Hembruff and Raimbault to the northwest corner of the last mentioned township; thence southerly along the west boundary of the said township to the northwest corner of the Town of Elliott Lake; thence southerly along the west limit of the said town to the northwest corner of the Township of The North Shore; thence southerly along the west boundary of the said township to the southerly boundary of the Territorial District of Algoma; thence easterly along the southerly boundary of the territorial districts of Algoma and Sudbury to the point of commencement.

THE ELECTORAL DISTRICT OF BEACHES-WOODBINE—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Queen Street East with Greenwood Avenue; thence northerly along Greenwood Avenue to the Canadian National railway line; thence northeasterly along the said railway line to Coxwell Avenue; thence northerly along Coxwell Avenue to the northerly limit of the City of Toronto; thence easterly along the said limit to the easterly limit of the said city; thence southerly along the said limit to the southeasterly corner of the City of Toronto; thence westerly along the southerly limit of the said city to the southerly prolongation of Leslie Street; thence northerly along the said prolongation to and along Leslie Street to Queen Street East; thence easterly along Queen Street East to the point of commencement.

THE ELECTORAL DISTRICT OF BRAMPTON NORTH—consists of that part of the City of Brampton lying northerly of a line described as follows: Commencing at the intersection of the easterly limit of the City of Brampton with the King's Highway No. 7; thence westerly along the said Highway to Queen Street East; thence westerly along Queen Street East to Kennedy Road; thence northerly along Kennedy Road to Vodden Street; thence westerly along Vodden Street to Main Street; thence northerly along Main Street and the King's Highway No. 10 to the King's Highway No. 7; thence westerly along said Highway to the westerly limit of the City of Brampton.

THE ELECTORAL DISTRICT OF BRAMPTON SOUTH—consists of that part of the City of Brampton lying southerly of a line described as follows: Commencing at the intersection of the easterly limit of the City of Brampton with the King's Highway No. 7; thence westerly along the said Highway to Queen Street East; thence westerly along Queen Street East to Kennedy Road; thence northerly along Kennedy Road to Vodden Street; thence westerly along Vodden Street to Main Street; thence northerly along Main Street and the King's Highway No. 10 to the King's Highway No. 7; thence westerly along said Highway to the westerly limit of the City of Brampton.

THE ELECTORAL DISTRICT OF BRANTFORD—consists of the City of Brantford.

THE ELECTORAL DISTRICT OF BRANT-HALDIMAND—consists of the County of Brant but excluding the City of Brantford; the towns of Dunnville and Haldimand, Indian reserves No. 40 and No. 40A, and the Township of North Dumfries but excluding that part lying within the geographic Township of Beverly.

THE ELECTORAL DISTRICT OF BRUCE—consists of the County of Bruce.

THE ELECTORAL DISTRICT OF BURLINGTON SOUTH—consists of that part of the City of Burlington lying southerly and westerly of a line described as follows: Commencing at the intersection of the southwesterly limit of the City of Burlington with the King's Highway No. 403; thence northeasterly along said Highway to the Queen Elizabeth Way; thence northeasterly along the Queen Elizabeth Way to the northeasterly limit of the City of Burlington; thence southeasterly along the said limit to New Street; thence southwesterly along New Street to Appleby Line; thence southeasterly along Appleby Line to Appleby Place; thence southeasterly along Appleby Place and its southeasterly prolongation to the shore of Lake Ontario; thence northeasterly along the said shore to the northeasterly limit of the City of Burlington.

THE ELECTORAL DISTRICT OF CAMBRIDGE—consists of the City of Cambridge and of that part of the Township of North Dumfries lying within the geographic Township of Beverly.

THE ELECTORAL DISTRICT OF CARLETON—consists of the City of Kanata and the townships of Goulbourn, Osgoode, Rideau and West Carleton.

THE ELECTORAL DISTRICT OF CARLETON EAST—consists of the Village of Rockcliffe Park and of that part of the cities of Gloucester and Ottawa lying within the following limits: Commencing at the intersection of the easterly limit of the City of Ottawa with the Queensway; thence easterly along the Queensway to Blair Road; thence northerly along Blair Road to Montreal Road; thence westerly along Montreal Road to the easterly limit of the City of Vanier; thence northerly along the said limit to Beechwood Avenue; thence southwesterly along Beechwood Avenue to the limit between the City of Ottawa and the Village of Rockcliffe Park; thence northerly and westerly along the said limit to the most northwesterly corner of the Village of Rockcliffe Park; thence northeasterly along the northwesterly limit of the Village of Rockcliffe Park to Princess Avenue; thence northwesterly along Princess Avenue to Rockcliffe Driveway; thence north $45^{\circ} 00'$ west to the Interprovincial Boundary between Ontario and Quebec; thence easterly along the said Interprovincial Boundary to the northeasterly corner of the City of Gloucester; thence southerly, westerly and northerly along the easterly, southerly and westerly limits of the City of Gloucester to the northwesterly corner of the said city; thence easterly along the northerly limit of the City of Gloucester to the westerly limit of the Ottawa International Airport; thence southerly along the said limit to Leitrim Drive; thence easterly along Leitrim Drive to Albion Road; thence northerly along Albion Road to Leitrim Road; thence easterly along Leitrim Road to the King's Highway No. 31; thence northerly along said Highway to Conroy Road; thence northerly along Conroy Road to the southerly limit of the City of Ottawa; thence easterly and northerly along the southerly and easterly limits of the City of Ottawa to the point of commencement.

THE ELECTORAL DISTRICT OF CHATHAM-KENT—consists of the City of Chatham, the towns of Bothwell, Dresden and Wallaceburg and the townships of Camden, Chatham, Dover and Zone.

THE ELECTORAL DISTRICT OF COCHRANE NORTH—consists of the geographic townships of Ebbs and Templeton; that part of the Territorial District of Cochrane lying northerly and westerly of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with the water's edge along the southerly shore of Lake Abitibi; thence northwesterly along that water's edge to the south boundary of the geographic Township of Galna; thence westerly along the south boundary of the geographic townships of Galna and Moody to the north limit of the Town of Iroquois Falls; thence westerly along the said limit to the northeast corner of the geographic Township of Teefy; thence westerly along the north boundary of the said township to the northwest corner thereof; thence westerly along the north limit of the Town of Iroquois Falls to the northwest corner thereof; thence southerly along the west limit of the said town to the north limit of the City of Timmins; thence westerly along the north limit of the said city to the northwest corner thereof; thence westerly along the north boundary of the geographic Township of Byers to the northwest corner thereof; thence southerly along the west boundary of the geographic townships of Byers, Cote and Massey to the south boundary of the geographic Township of Enid; and that part of the Territorial District of Kenora lying easterly of a line described as follows: Commencing at the northerly extremity of the boundary between the territorial districts of Cochrane and Thunder Bay; thence northerly along a meridian line to the 212 Mile Post planted thereon by A. Tarvydas, O.L.S., in 1958; thence north astronomically to the shore of Hudson Bay.

THE ELECTORAL DISTRICT OF COCHRANE SOUTH—consists of that part of the Territorial District of Cochrane lying southerly and easterly of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with the water's edge along the southerly shore of Lake Abitibi; thence northwesterly along that water's edge to the south

boundary of the geographic Township of Galna; thence westerly along the south boundary of the geographic townships of Galna and Moody to the north limit of the Town of Iroquois Falls; thence westerly along the said limit to the northeast corner of the geographic Township of Teefy; thence westerly along the north boundary of the said township to the northwest corner thereof; thence westerly along the north limit of the Town of Iroquois Falls to the northwest corner thereof; thence southerly along the west limit of the said town to the north limit of the City of Timmins; thence westerly along the north limit of the said city to the northwest corner thereof; thence westerly along the north boundary of the geographic Township of Byers to the northwest corner thereof; thence southerly along the west boundary of the geographic townships of Byers, Cote and Massey to the south boundary of the geographic Township of Enid.

THE ELECTORAL DISTRICT OF CORNWALL—consists of the City of Cornwall, the townships of Charlottenburgh and Cornwall, and Indian Reserve No. 59.

THE ELECTORAL DISTRICT OF DON MILLS—consists of that part of the City of North York and of the Borough of East York lying within the following limits: Commencing at the intersection of Lawrence Avenue East with the easterly limit of the City of North York; thence southerly along the easterly limit of the City of North York and of the Borough of East York to the southerly limit of the said borough; thence westerly along the said southerly limit to Chisholm Avenue; thence northerly along Chisholm Avenue and its northerly prolongation to Taylor Creek; thence northwesterly along Taylor Creek to the Don River; thence westerly along the Don River to Don Mills Road; thence northerly along Don Mills Road to the southerly limit of the City of North York; thence northwesterly, westerly and northerly along the said limit to the easterly extremity of the course thereon oriented in an easterly and westerly direction and situated immediately north of Glen Echo Road; thence easterly on the easterly prolongation of the said course to the Don River West Branch; thence southeasterly along the Don River West Branch to the westerly prolongation of Lawrence Avenue East; thence easterly along the said prolongation to and along Lawrence Avenue East to the point of commencement.

THE ELECTORAL DISTRICT OF DOVERCOURT—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of the southerly limit of the City of York with Bathurst Street; thence southerly along Bathurst Street to Bloor Street West; thence westerly along Bloor Street West to the Canadian National railway line situated immediately west of Helens Avenue; thence northerly along the said railway line to St. Clair Avenue West; thence westerly along St. Clair Avenue West to the Canadian National railway line situated immediately northeast of Weston Road; thence northwesterly along the said railway line to the northerly limit of the City of Toronto; thence easterly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF DOWNSVIEW—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Black Creek with the northerly limit of the City of North York; thence easterly along the said limit to Dufferin Street; thence southerly along Dufferin Street to Allen Road; thence southerly along Allen Road to the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to Jane Street; thence northerly along Jane Street to Finch Avenue West; thence easterly along Finch Avenue West to Black Creek; thence northerly along Black Creek to the point of commencement.

THE ELECTORAL DISTRICT OF DUFFERIN-PEEL—consists of the County of Dufferin and the Town of Caledon.

THE ELECTORAL DISTRICT OF DURHAM CENTRE—consists of that part of the Town of Whitby lying southerly of Taunton Road and that part of the City of Oshawa lying within the following limits: Commencing at the intersection of the westerly limit of the City of Oshawa with King Street West; thence easterly along King Street West to Ritson Road North; thence northerly along Ritson Road North to Taunton Road; thence westerly along Taunton Road to the westerly limit of the City of Oshawa; thence southerly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF DURHAM EAST—consists of that part of the City of Oshawa lying northerly of Taunton Road, that part of the Town of Whitby lying northerly of Taunton Road, the Town of Newcastle, the townships of Manvers and Scugog and Indian Reserve No. 34.

THE ELECTORAL DISTRICT OF DURHAM WEST—consists of the towns of Ajax and Pickering.

THE ELECTORAL DISTRICT OF DURHAM-YORK—consists of the towns of East Gwillimbury and Whitchurch-Stouffville, the townships of Brock, Georgina and Uxbridge, and Indian Reserve No. 33.

THE ELECTORAL DISTRICT OF EGLINTON—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Eglinton Avenue West with Latimer Avenue; thence northerly along Latimer Avenue to Roselawn Avenue; thence easterly along Roselawn Avenue to Castlewood Road; thence northerly along Castlewood Road to Briar Hill Avenue; thence westerly along Briar Hill Avenue to the southerly prolongation of the course in the northerly limit of the City of Toronto oriented in a northerly and southerly direction and situated immediately west of Proudfoot Avenue; thence northerly along the said prolongation to the northerly limit of the City of Toronto; thence northerly, easterly and southerly along the said limit to the westerly limit of the Borough of East York; thence southerly along the said limit to the southerly limit of Mount Pleasant Cemetery; thence westerly along the said limit to Yonge Street; thence northerly along Yonge Street to the abandoned Canadian National railway line situated immediately south of Merton Street; thence northwesterly along the said railway line to the southerly prolongation of Duncannon Drive; thence northerly along the said prolongation to and along Duncannon Drive to Eglinton Avenue West; thence westerly along Eglinton Avenue West to the point of commencement.

THE ELECTORAL DISTRICT OF ELGIN—consists of the County of Elgin.

THE ELECTORAL DISTRICT OF ESSEX-KENT—consists of the towns of Belle River, Blenheim, Ridgeway and Tilbury, the villages of Erie Beach, Erieau, Highgate, Thamesville and Wheatley, and the townships of Harwich, Howard, Maidstone, Orford, Raleigh, Rochester, Romney, Sandwich South, Tilbury East, Tilbury North and Tilbury West.

THE ELECTORAL DISTRICT OF ESSEX SOUTH—consists of the towns of Amherstburg, Essex, Harrow, Kingsville and Leamington, and the townships of Anderdon, Colchester North, Colchester South, Gosfield North, Gosfield South, Malden, Mersea and Pelee.

THE ELECTORAL DISTRICT OF ETOBICOKE-HUMBER—consists of that part of the City of Etobicoke lying within the following limits: Commencing at the intersection of Bloor Street West with Kipling Avenue; thence northerly along Kipling Avenue to The Westway; thence westerly along The Westway to Martin Grove Road; thence northerly along Martin Grove Road to the Macdonald-Cartier Freeway; thence northeasterly along the Macdonald-Cartier Freeway to the easterly limit of the City of Etobicoke; thence southeasterly along the said limit to Bloor Street West; thence westerly along Bloor Street West to the point of commencement.

THE ELECTORAL DISTRICT OF ETOBICOKE-LAKESHORE—consists of that part of the City of Etobicoke lying southerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Etobicoke with the Canadian Pacific railway line; thence northeasterly along the said railway line to Kipling Avenue; thence northerly along Kipling Avenue to Bloor Street West; thence easterly along Bloor Street West to the easterly limit of the City of Etobicoke.

THE ELECTORAL DISTRICT OF ETOBICOKE-REXDALE—consists of that part of the City of Etobicoke lying northerly of the Macdonald-Cartier Freeway.

THE ELECTORAL DISTRICT OF ETOBICOKE WEST—consists of that part of the City of Etobicoke lying within the following limits: Commencing at the intersection of the Canadian Pacific railway line with the westerly limit of the City of Etobicoke; thence northerly along the said limit to the Macdonald-Cartier Freeway; thence northeasterly along the Macdonald-Cartier Freeway to Martin Grove Road; thence southerly along Martin Grove Road to The Westway; thence easterly along The Westway to Kipling Avenue; thence southerly along Kipling Avenue to the Canadian Pacific railway line; thence southwesterly along the said railway line to the point of commencement.

THE ELECTORAL DISTRICT OF FORT WILLIAM—consists of that part of the Territorial District of Thunder Bay lying within the following limits: Commencing at the intersection of the International Boundary between Canada and the United States of America with a line drawn on a course of south astronomic from the southwest corner of the geographic Township of Devon; thence north astronomically along the said line to the southwest corner of the said township; thence northerly along the west boundary of the geographic townships of Devon, Fraleigh, Lybster and Marks to the northwest corner of the last mentioned township; thence easterly along the north boundary of the geographic Township of Marks to the northwest corner of the Township of O'Connor; thence easterly along the north boundary of the said township to the northeast corner thereof; thence southerly along the east boundary of the Township of O'Connor to the northwest corner of the Township of Paipoonge; thence easterly along the north boundary of the said township to the northeast corner thereof; thence easterly along the north boundary of the former Township of Neebing and of the former City of Fort William, both as existing prior to January 1, 1970, to the Lakehead Expressway; thence northerly along the Lakehead Expressway to the Harbour Access Route; thence easterly along the Harbour Access Route to Golf Links Road; thence southerly along Golf Links Road to the north limit of the former City of Fort William, as existing prior to January 1, 1970; thence easterly along the said limit and its easterly prolongation to the line of longitude 89° 00'; thence south astronomically along the said line of longitude to the International Boundary between Canada and the United States of America; thence southwesterly and westerly along the said International Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF FORT YORK—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Ossington Avenue with Bloor Street West; thence easterly along Bloor Street West to Bathurst Street; thence southerly along Bathurst Street to College Street; thence easterly along College Street to Carlton Street; thence easterly along Carlton Street to Sherbourne Street; thence southerly along Sherbourne Street and its southerly prolongation to the water's edge of Inner Harbour; thence easterly along the said water's edge to the northerly prolongation of the centre line of Eastern Channel of Inner Harbour; thence southerly along the said prolongation to and along the said centre line to the southerly extremity thereof; thence southerly along the prolongation of the said centre line to the southerly limit of the City of Toronto; thence westerly and northwesterly along the southerly and southwesterly limits of the said city to the

southerly prolongation of Strachan Avenue; thence northerly along the said prolongation to and along Strachan Avenue to the Gardiner Expressway; thence westerly along the Gardiner Expressway to the southerly prolongation of Atlantic Avenue; thence northerly along the said prolongation to and along Atlantic Avenue to King Street West; thence easterly along King Street West to the southerly prolongation of Dovercourt Road; thence northerly along the said prolongation to and along Dovercourt Road to College Street; thence easterly along College Street to Ossington Avenue; thence northerly along Ossington Avenue to the point of commencement.

THE ELECTORAL DISTRICT OF FRONTENAC-ADDINGTON—consists of that part of the County of Frontenac lying northerly of a line described as follows: Commencing at the intersection of the easterly limit of the Township of Pittsburgh with the Macdonald-Cartier Freeway; thence southwesterly along the Macdonald-Cartier Freeway to the northerly limit of the City of Kingston; thence westerly and southerly along the northerly and westerly limits of the City of Kingston to the shore of Lake Ontario; thence westerly along the said shore to the westerly boundary of the Township of Kingston; and that part of the County of Lennox and Addington lying northerly of a line described as follows: Commencing at the southeasterly corner of the Township of Camden East; thence westerly along the southerly boundary of the Township of Camden East to the southeasterly corner of the Village of Newburgh; thence westerly along the southerly limit of the said village to the southerly boundary of the Township of Camden East; thence westerly along the southerly limit of the said township to the southwesterly corner thereof; thence northerly along the westerly boundary of the said township to the northeasterly corner of the Township of Richmond.

THE ELECTORAL DISTRICT OF GREY—consists of the County of Grey.

THE ELECTORAL DISTRICT OF GUELPH—consists of the City of Guelph.

THE ELECTORAL DISTRICT OF HALTON CENTRE—consists of that part of the City of Burlington lying northerly and westerly of a line described as follows: Commencing at the intersection of the southwesterly limit of the City of Burlington with the King's Highway No. 403; thence northeasterly along said Highway to the Queen Elizabeth Way; thence northeasterly along the Queen Elizabeth Way to the northeasterly limit of the City of Burlington; and that part of the Town of Milton lying southerly of Derry Road; and that part of the Town of Oakville lying northerly of the Queen Elizabeth Way.

THE ELECTORAL DISTRICT OF HALTON NORTH—consists of the Town of Halton Hills and that part of the Town of Milton lying northerly of Derry Road.

THE ELECTORAL DISTRICT OF HAMILTON CENTRE—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of Queen Street with King Street; thence westerly along King Street to Chedoke Expressway; thence northerly along Chedoke Expressway to the Desjardins Canal; thence westerly along said canal to the westerly limit of the City of Hamilton; thence northerly and easterly along the westerly and northerly limits of the said city to the northerly prolongation of Sherman Avenue; thence southerly along the said prolongation to and along Sherman Avenue to Cannon Street; thence easterly along Cannon Street to Gage Avenue; thence southerly along Gage Avenue and its southerly prolongation to the brow of Hamilton Mountain; thence westerly along the said brow to the southerly prolongation of Queen Street; thence northerly along the said prolongation to and along Queen Street to the point of commencement.

THE ELECTORAL DISTRICT OF HAMILTON EAST—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of the easterly limit of the City of Hamilton with Queenston Road; thence westerly

along Queenston Road to Redhill Creek; thence southerly along Redhill Creek to the brow of Hamilton Mountain; thence westerly along the said brow to the southerly prolongation of Gage Avenue; thence northerly along the said prolongation to and along Gage Avenue to Cannon Street; thence westerly along Cannon Street to Sherman Avenue; thence northerly along Sherman Avenue and its northerly prolongation to the northerly limit of the City of Hamilton; thence easterly along the northerly limit of the said city to the northeasterly corner thereof; thence southerly along the easterly limit of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF HAMILTON MOUNTAIN—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of the southerly limit of the City of Hamilton with Upper James Street; thence northerly along Upper James Street to Fennell Avenue; thence easterly along Fennell Avenue to Upper Wellington Street; thence northerly along Upper Wellington Street and its northerly prolongation as aligned between Inverness Avenue and Concession Avenue to the brow of Hamilton Mountain; thence easterly along the said brow to the easterly limit of the City of Hamilton; thence southerly and westerly along the easterly and southerly limits of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF HAMILTON WEST—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of Upper James Street with the southerly limit of the City of Hamilton; thence westerly and northerly along the southerly and westerly limits of the said city to the Desjardins Canal; thence easterly along the said canal to the Chedoke Expressway; thence southerly along the Chedoke Expressway to King Street; thence easterly along King Street to Queen Street; thence southerly along Queen Street and its southerly prolongation to the brow of Hamilton Mountain; thence easterly along the said brow to the northerly prolongation of Upper Wellington Street as aligned between Inverness Avenue and Concession Avenue; thence southerly along the said prolongation to and along Upper Wellington Street to Fennell Avenue; thence westerly along Fennell Avenue to Upper James Street; thence southerly along Upper James Street to the point of commencement.

THE ELECTORAL DISTRICT OF HASTINGS-PETERBOROUGH—consists of that part of the County of Hastings lying northerly of a line described as follows: Commencing at the southwesterly corner of the Township of Rawdon; thence easterly along the southerly boundary of the said township to the westerly limit of the Village of Stirling; thence southerly, easterly and northerly along the westerly, southerly and easterly limits of the said village to the southerly boundary of the Township of Rawdon; thence easterly along the said boundary to the southwesterly corner of the Township of Huntingdon; thence easterly along the southerly boundary of the said township to the southwesterly corner of the Township of Hungerford; thence easterly along the southerly boundary of the said township to the southeasterly corner thereof; and the villages of Havelock, Lakefield and Norwood, and the townships of Asphodel, Belmont and Methuen, Burleigh and Anstruther, Chandos, Douro, Dummer, Galway and Cavendish, Harvey, and Otonabee.

THE ELECTORAL DISTRICT OF HIGH PARK-SWANSEA—consists of that part of the City of Toronto lying westerly of a line described as follows: Commencing at the intersection of the northerly limit of the City of Toronto with the Canadian National railway line situated immediately northeast of Weston Road; thence southeasterly along the said railway line to St. Clair Avenue West; thence easterly along St. Clair Avenue West to the Canadian National railway line situated immediately west of Caledonia Park Road; thence southerly along the said railway line to Bloor Street West; thence westerly along Bloor Street West to Dundas Street West; thence southerly along Dundas Street West to

Roncesvalles Avenue; thence southerly along Roncesvalles Avenue and its southerly prolongation to the southwesterly limit of the City of Toronto.

THE ELECTORAL DISTRICT OF HURON—consists of the County of Huron.

THE ELECTORAL DISTRICT OF KENORA—consists of that part of the Territorial District of Kenora lying northerly and westerly of a line described as follows: Commencing at the intersection of the International Boundary between Canada and the United States of America with a line drawn west astronomic from the westerly extremity of the 4th Base Line at the westerly shore of Aulneau Peninsula; thence east astronomically along the said line to the westerly extremity of the said 4th Base Line; thence easterly along the said base line to the 6th Meridian Line surveyed by A. Niven, O.L.S., in 1894; thence northerly along the 6th Meridian Line to the southwest corner of the geographic Township of Wainwright; thence easterly along the south boundary of the said township to the northwest corner of the Town of Dryden; thence southerly and easterly along the westerly and southerly limits of the said town to the west limit of the Township of Barclay; thence northerly, easterly and southerly along the west, north and east limits of the said township to the south boundary of the geographic Township of Brownridge; thence easterly along the south boundary of the geographic townships of Brownridge, Laval and McAree to the southeast corner of the last mentioned township; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the southwest corner of Block 9; thence easterly along the south boundary of the said block to the southeast corner thereof; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the boundary between the territorial districts of Kenora and Thunder Bay; thence northerly along the said boundary to the northwesterly corner of the Territorial District of Thunder Bay; thence continuing northerly along a meridian line to the 215 + 78.207 Mile Post planted thereon by A. Tarvydas, O.L.S., in 1957; thence north astronomically to the Interprovincial Boundary between Ontario and Manitoba.

THE ELECTORAL DISTRICT OF KINGSTON AND THE ISLANDS—consists of the City of Kingston, the townships of Amherst Island, Howe Island, and Wolfe Island, and that part of the Township of Pittsburgh lying southerly of the Macdonald-Cartier Freeway.

THE ELECTORAL DISTRICT OF KITCHENER—consists of that part of the City of Kitchener lying northerly and westerly of the Conestoga Parkway.

THE ELECTORAL DISTRICT OF KITCHENER-WILMOT—consists of the Township of Wilmot and that part of the City of Kitchener lying southerly and easterly of the Conestoga Parkway.

THE ELECTORAL DISTRICT OF LAKE NIPIGON—consists of the community of English River in the Territorial District of Kenora and that part of the territorial districts of Kenora and Thunder Bay lying within the following limits: Commencing at the 215 + 78.207 Mile Post planted on a meridian line in the Territorial District of Kenora surveyed by A. Tarvydas, O.L.S., in 1957; thence southerly along that meridian line to the northerly extremity of the west boundary of the Territorial District of Thunder Bay; thence southerly along the said boundary to the International Boundary between Canada and the United States of America; thence easterly along the said International Boundary to the intersection with a line drawn south astronomic from the southeast corner of the geographic Township of Hartington; thence north astronomically along that line to the southeast corner of the geographic Township of Hartington; thence northerly along the east boundary of the geographic townships of Hartington, Lismore, Strange, Aldina, Sackville, Laurie and Blackwell to the northeast corner of the last mentioned township; thence easterly along the south boundary of the geographic Township of Soper and of Block 1 to the southeast corner of Block 1; thence northerly along the east boundary of

Block 1 to the northwest corner of the geographic Township of Fowler; thence easterly along the north boundary of the geographic townships of Fowler and Jacques to the northeast corner of the last mentioned township; thence southerly along the east boundary of the said township to the north boundary of the geographic Township of Gorham; thence easterly along the north boundary of the said township to the northeast corner thereof; thence southerly along the east boundary of the geographic Township of Gorham to the northwest corner of the Township of Shuniah; thence easterly and northerly along the north and west boundaries of the Township of Shuniah to the southwest corner of the Township of Dorion; thence easterly along the south boundary of the said township to the southeast corner thereof; thence east astronomically to the centre line of Black Bay of Lake Superior; thence southerly along that centre line to the southerly extremity thereof; thence south astronomically to the International Boundary between Canada and the United States of America; thence northeasterly and southeasterly along the said International Boundary to the southeast corner of the Territorial District of Thunder Bay; thence northerly, westerly and northerly along the east boundary of the Territorial District of Thunder Bay to the northeast corner thereof; thence northerly along a meridian line to the 212 Mile Post planted thereon by A. Tarvydas, O.L.S., in 1958; thence north astronomically to the shore of Hudson Bay; thence northwesterly along the said shore to the Interprovincial Boundary between Ontario and Manitoba; thence southwesterly along the said Interprovincial Boundary to the intersection with a line drawn north astronomic from the point of commencement; thence south astronomically along the said line to the point of commencement.

THE ELECTORAL DISTRICT OF LAMBTON—consists of that part of the County of Lambton lying southerly and easterly of a line described as follows: Commencing at the southwesterly corner of Indian Reserve No. 45; thence easterly along the southerly boundary of Indian Reserve No. 45 to the southeasterly corner thereof; thence northerly along the easterly limit of Indian Reserve No. 45 to the easterly limit of the City of Sarnia; thence northerly along the said limit to Confederation Street; thence easterly along Confederation Street to Modeland Road; thence northerly along Modeland Road and its northerly prolongation to the northerly boundary of the Township of Sarnia.

THE ELECTORAL DISTRICT OF LANARK-RENFREW—consists of the County of Lanark, the towns of Arnprior and Renfrew, the Village of Braeside and the townships of Admaston, Bagot and Blithfield, Horton and McNab.

THE ELECTORAL DISTRICT OF LAWRENCE—consists of that part of the City of North York lying southerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of North York with the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to Allen Road; thence southerly along Allen Road to the westerly prolongation of Baycrest Avenue; thence easterly along the said prolongation to and along Baycrest Avenue to Bathurst Street; thence southerly along Bathurst Street to Old Orchard Grove; thence easterly along Old Orchard Grove to the southerly limit of the City of North York.

THE ELECTORAL DISTRICT OF LEEDS-GRENVILLE—consists of the County of Leeds, the Town of Prescott, the Village of Merrickville and the townships of Augusta and Wolford.

THE ELECTORAL DISTRICT OF LINCOLN—consists of the towns of Grimsby, Lincoln and Pelham, the Township of West Lincoln, and that part of the City of St. Catharines lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of St. Catharines with Twelve Mile Creek; thence northerly along Twelve Mile Creek to the Queen Elizabeth Way; thence westerly along the Queen Elizabeth Way to Martindale Road; thence northerly along Martindale Road to Lakeshore Road West;

thence westerly along Lakeshore Road West to Courtleigh Road; thence northerly along Courtleigh Road and its northerly prolongation to the northerly limit of the City of St. Catharines.

THE ELECTORAL DISTRICT OF LONDON CENTRE—consists of that part of the City of London lying within the following limits: Commencing at the intersection of Oxford Street with Highbury Avenue; thence northerly along Highbury Avenue to Huron Street; thence easterly along Huron Street to Clarke Side Road; thence southerly along Clarke Side Road and its southerly prolongation to the limit between the City of London and the Township of Westminster; thence westerly and southerly along the said limit to Commissioners Road; thence westerly along Commissioners Road to the Canadian National railway line; thence northwesterly along the said railway line to the easterly prolongation of Base Line Road; thence westerly to and along Base Line Road to Wharncliffe Road South; thence northerly along Wharncliffe Road South to the Thames River; thence easterly along the said river to the North Thames River; thence northerly along the North Thames River to Oxford Street; thence easterly along Oxford Street to the point of commencement.

THE ELECTORAL DISTRICT OF LONDON NORTH—consists of that part of the City of London lying within the following limits: Commencing at the intersection of Oxford Street with Highbury Avenue; thence northerly along Highbury Avenue to the northerly limit of the City of London; thence westerly and southerly along the northerly and westerly limits of the said city to the Thames River; thence easterly along the Thames River to the North Thames River; thence northerly along the North Thames River to Oxford Street; thence easterly along Oxford Street to the point of commencement.

THE ELECTORAL DISTRICT OF LONDON SOUTH—consists of that part of the City of London lying within the following limits: Commencing at the intersection of the westerly limit of the City of London with the Thames River; thence easterly along the Thames River to Wharncliffe Road South; thence southerly along Wharncliffe Road South to Base Line Road; thence easterly along Base Line Road and its easterly prolongation to the Canadian National railway line; thence southeasterly along the Canadian National railway line to Commissioners Road; thence easterly along Commissioners Road to the easterly limit of the City of London; thence southerly, westerly and northerly along the easterly, southerly and westerly limits of the City of London to the point of commencement.

THE ELECTORAL DISTRICT OF MARKHAM—consists of the Town of Markham.

THE ELECTORAL DISTRICT OF MIDDLESEX—consists of the County of Middlesex and Indian reserves No. 41 and No. 42 but excluding that part of the City of London lying westerly of a line described as follows: Commencing at the intersection of the Thames River with the southerly prolongation of Clarke Side Road; thence northerly to and along Clarke Side Road to Huron Street; thence westerly along Huron Street to Highbury Avenue; thence northerly along Highbury Avenue to the northerly limit of the City of London.

THE ELECTORAL DISTRICT OF MISSISSAUGA EAST—consists of that part of the City of Mississauga lying within the following limits: Commencing at the intersection of Eglinton Avenue East with the easterly limit of the City of Mississauga; thence southerly along the easterly limit of the said city to Dundas Street East; thence southwesterly along Dundas Street East to Cawthra Road; thence southeasterly along Cawthra Road to the Queen Elizabeth Way; thence southwesterly along the Queen Elizabeth Way to Hurontario Street; thence northwesterly along Hurontario Street to Central Parkway East; thence easterly and northerly along Central Parkway East to Burnhamthorpe Road East; thence northeasterly along Burnhamthorpe Road East to Cawthra Road; thence northwesterly along Cawthra Road to Eglinton Avenue East;

thence northeasterly along Eglinton Avenue East to the point of commencement.

THE ELECTORAL DISTRICT OF MISSISSAUGA NORTH—consists of that part of the City of Mississauga lying northerly of Eglinton Avenue.

THE ELECTORAL DISTRICT OF MISSISSAUGA SOUTH—consists of that part of the City of Mississauga lying southerly of a line described as follows: Commencing at the intersection of the southwesterly limit of the City of Mississauga with the Queen Elizabeth Way; thence northeasterly along the Queen Elizabeth Way to Cawthra Road; thence northwesterly along Cawthra Road to Dundas Street East; thence northeasterly along Dundas Street East to the easterly limit of the City of Mississauga.

THE ELECTORAL DISTRICT OF MISSISSAUGA WEST—consists of that part of the City of Mississauga lying within the following limits: Commencing at the intersection of the westerly limit of the City of Mississauga with Eglinton Avenue West; thence northeasterly along Eglinton Avenue West and Eglinton Avenue East to Cawthra Road; thence southeasterly along Cawthra Road to Burnhamthorpe Road East; thence southwesterly along Burnhamthorpe Road East to Central Parkway East; thence southerly and westerly along Central Parkway East to Hurontario Street; thence southeasterly along Hurontario Street to the Queen Elizabeth Way; thence southwesterly along the Queen Elizabeth Way to the westerly limit of the City of Mississauga; thence northwesterly, southwesterly and northwesterly along the westerly limit of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF MUSKOKA-GEORGIAN BAY—consists of The District Municipality of Muskoka, the Town of Midland, the villages of Port McNicoll and Victoria Harbour and the townships of Matchedash and Tay.

THE ELECTORAL DISTRICT OF NEPEAN—consists of that part of the City of Nepean lying southerly and westerly of a line described as follows: Commencing at the intersection of the Rideau River with Black Rapids Creek; thence westerly along Black Rapids Creek to Woodroffe Avenue; thence northerly along Woodroffe Avenue to the Canadian National-Canadian Pacific railway line; thence easterly along the said railway line to Merivale Road; thence northerly along Merivale Road to Clyde Avenue; thence northerly along Clyde Avenue to the northerly limit of the City of Nepean.

THE ELECTORAL DISTRICT OF NIAGARA FALLS—consists of that part of the City of Niagara Falls lying northerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Niagara Falls with McLeod Road; thence easterly along McLeod Road to Stanley Avenue; thence southerly along Stanley Avenue and its southerly prolongation to the Welland River; thence easterly along the Welland River to a line drawn northwesterly and perpendicularly to Main Street from the intersection of Main Street with Sodom Road; thence southeasterly along the said line to the intersection of Main Street with Sodom Road; thence southerly along Sodom Road to Weinbrenner Road; thence easterly along Weinbrenner Road to Willoughby Drive; thence easterly along Edgeworth Road and its easterly prolongation to the water's edge along the shore of the Niagara River; thence south 45° 00' east to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF NIAGARA SOUTH—consists of the City of Port Colborne, the Town of Fort Erie, the Township of Wainfleet, and that part of the City of Niagara Falls lying southerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Niagara Falls with McLeod Road; thence easterly along McLeod Road to Stanley Avenue; thence southerly along Stanley Avenue and its southerly prolongation to the

Welland River; thence easterly along the Welland River to a line drawn northwesterly and perpendicularly to Main Street from the intersection of Main Street with Sodom Road; thence southeasterly along the said line to the intersection of Main Street with Sodom Road; thence southerly along Sodom Road to Weinbrenner Road; thence easterly along Weinbrenner Road to Willoughby Drive; thence easterly along Edgeworth Road and its easterly prolongation to the water's edge along the shore of the Niagara River; thence south 45° 00' east to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF NICKEL BELT—consists of that part of the Territorial District of Sudbury lying northerly and westerly of a line described as follows: Commencing at the southeast corner of the geographic Township of Janes; thence westerly along the south boundary of the geographic townships of Janes, Davis and Scadding to the easterly limit of the Town of Nickel Centre; thence northerly and westerly along the limits of the Town of Nickel Centre to the easterly limit of the Town of Capreol; thence northerly, westerly, northerly, westerly and southerly along the limits of the Town of Capreol to the northerly limit of the Town of Valley East; thence westerly, southerly, easterly and southerly along the limits of the Town of Valley East to the northwest corner of the City of Sudbury; thence southerly along the westerly limit of the City of Sudbury to the southwest corner thereof; thence easterly along the southerly limit of the City of Sudbury to the east boundary of the geographic Township of Eden; thence southerly along the east boundary of the geographic townships of Eden, Bevin and Sale to the southerly boundary of the Territorial District of Sudbury; thence westerly along the said boundary to the southwest corner of the geographic Township of Roosevelt; thence northerly along the west boundary of the geographic townships of Roosevelt and Truman to the southeast corner of the Township of Nairn; thence westerly along the south boundary of the townships of Nairn and Baldwin to the southwest corner of the last mentioned township; thence westerly along the south boundary of the geographic townships of Shakespeare and Gough to the westerly boundary of the Territorial District of Sudbury.

THE ELECTORAL DISTRICT OF NIPISSING—consists of that part of the Territorial District of Nipissing lying within the following limits: Commencing at the northwest corner of the geographic Township of Hugel; thence easterly along the north boundary of the geographic townships of Hugel and Badgerow to the northwest corner of the Township of Field; thence easterly along the north boundary of the Township of Field to the northeast corner thereof; thence easterly along the north boundary of the geographic townships of Grant, Charlton, Blyth, Merrick, Mulock, French, Butler and Antoine to the northeast corner of the last mentioned township; thence easterly along the prolongation of the north boundary of the geographic Township of Antoine to the Interprovincial Boundary between Ontario and Quebec; thence southerly along the said Interprovincial Boundary to the northeast corner of the Township of Mattawan; thence westerly along the north boundary of the said township to the northwest corner thereof; thence southerly along the west boundary of the Township of Mattawan to the southwesterly corner thereof; thence westerly along the northerly boundary of the townships of Calvin, Bonfield and East Ferris to the northwesterly corner of the last mentioned township; thence southerly along the westerly boundary of the Township of East Ferris to the northeasterly corner of the Township of North Himsworth; thence westerly and northerly along the southerly and westerly boundaries of the Territorial District of Nipissing to the point of commencement.

THE ELECTORAL DISTRICT OF NORFOLK—consists of the City of Nanticoke, the towns of Simcoe and Tillsonburg and the townships of Delhi and Norfolk.

THE ELECTORAL DISTRICT OF NORTHUMBERLAND—consists of the County of Northumberland.

THE ELECTORAL DISTRICT OF OAKVILLE SOUTH—consists of that part of the Town of Oakville lying southerly of the Queen Elizabeth Way and that part of the City of Burlington lying within the following limits: Commencing at the intersection of the northeasterly limit of the City of Burlington with New Street; thence southwesterly along New Street to Appleby Line; thence southeasterly along Appleby Line to Appleby Place; thence southeasterly along Appleby Place and its southeasterly prolongation to the shore of Lake Ontario; thence northeasterly along the said shore to the northeasterly limit of the City of Burlington; thence northwesterly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF OAKWOOD—consists of that part of the cities of York and Toronto lying within the following limits: Commencing at the intersection of Eglinton Avenue West with Bathurst Street; thence southerly along Bathurst Street to the southerly limit of the City of York situated immediately north of St. Clair Avenue West; thence westerly along the said limit to the Canadian National railway line situated immediately east of Blackthorn Avenue; thence northerly along the said railway line to Eglinton Avenue West; thence westerly along Eglinton Avenue West to Keele Street; thence northerly along Keele Street to the northerly limit of the City of York; thence easterly along the said limit to Allen Road; thence southerly along Allen Road to Eglinton Avenue West; thence easterly along Eglinton Avenue West to the point of commencement.

THE ELECTORAL DISTRICT OF ORIOLE—consists of that part of the City of North York lying northerly of the Macdonald-Cartier Freeway and easterly of Leslie Street.

THE ELECTORAL DISTRICT OF OSHAWA—consists of that part of the City of Oshawa lying southerly and easterly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Oshawa with King Street West; thence easterly along King Street West to Ritson Road North; thence northerly along Ritson Road North to Taunton Road; thence easterly along Taunton Road to the easterly limit of the City of Oshawa.

THE ELECTORAL DISTRICT OF OTTAWA CENTRE—consists of that part of the City of Ottawa lying within the following limits: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with Island Park Drive; thence southerly along Island Park Drive to Merivale Road; thence southerly along Merivale Road to the southerly limit of the City of Ottawa; thence easterly along the said limit and its easterly prolongation to Fisher Avenue; thence northerly along Fisher Avenue to Base Line Road; thence easterly along Base Line Road to Heron Road; thence easterly along Heron Road to the Rideau Canal; thence northeasterly and northerly along the said canal to the northerly extremity thereof; thence north 45° 00' west to the Interprovincial Boundary between Ontario and Quebec; thence westerly along the said Interprovincial Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA EAST—consists of the City of Vanier, and that part of the cities of Gloucester and Ottawa lying within the following limits: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec and a line drawn on a course of north 45° 00' west from the northerly extremity of Rideau Canal; thence south 45° 00' east along the said line to the northerly extremity of the Rideau Canal; thence southerly along the said canal to the Queensway; thence easterly along the Queensway to Blair Road; thence northerly along Blair Road to Montreal Road; thence westerly along Montreal Road to the easterly limit of the City of Vanier; thence northerly along the said limit to Beechwood Avenue; thence southwesterly along Beechwood Avenue to the limit between the City of Ottawa and the Village of Rockcliffe Park; thence northerly and westerly along the said limit to the most northwesterly corner of the Village of Rockcliffe Park;

thence northeasterly along the northwesterly limit of the Village of Rockcliffe Park to Princess Avenue; thence northwesterly along Princess Avenue to Rockcliffe Driveway; thence north 45° 00' west to the Interprovincial Boundary between Ontario and Quebec; thence southwesterly along the said Interprovincial Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA-RIDEAU—consists of that part of the cities of Gloucester, Nepean and Ottawa lying within the following limits: Commencing at the intersection of Clyde Avenue with the northerly limit of the City of Nepean; thence easterly along the said limit and its easterly prolongation to Fisher Avenue; thence northerly along Fisher Avenue to Base Line Road; thence easterly along Base Line Road to the Rideau Canal; thence southerly along the Rideau Canal to the Rideau River; thence southerly along the Rideau River to the westerly prolongation of Walkley Road; thence easterly along the said prolongation to and along Walkley Road to its easterly extremity; thence easterly along the easterly prolongation of Walkley Road to the easterly limit of the City of Ottawa; thence southerly and westerly along the easterly and southerly limits of the City of Ottawa to Conroy Road; thence southerly along Conroy Road to the King's Highway No. 31; thence southerly along said Highway to Leitrim Road; thence westerly along Leitrim Road to Albion Road; thence southerly along Albion Road to Leitrim Drive; thence westerly along Leitrim Drive to the westerly limit of the part of the Ottawa International Airport lying northerly of Leitrim Drive; thence northerly along the said westerly limit to the northerly limit of the City of Gloucester; thence westerly along the said limit to the Rideau River; thence southerly along the Rideau River to Black Rapids Creek; thence westerly along Black Rapids Creek to Woodroffe Avenue; thence northerly along Woodroffe Avenue to the Canadian National-Canadian Pacific railway line; thence easterly along the said railway line to Merivale Road; thence northerly along Merivale Road to Clyde Avenue; thence northerly along Clyde Avenue to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA SOUTH—consists of that part of the City of Ottawa lying within the following limits: Commencing at the intersection of the easterly limit of the City of Ottawa with the easterly prolongation of Walkley Road; thence westerly along the said prolongation to and along Walkley Road and its westerly prolongation to the Rideau River; thence northerly along the Rideau River to the Rideau Canal; thence northerly and easterly along the Rideau Canal to the Queensway; thence easterly along the Queensway to the easterly limit of the City of Ottawa; thence southerly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA WEST—consists of that part of the City of Ottawa lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of Ottawa with Merivale Road; thence northerly along Merivale Road to Island Park Drive; thence northerly along Island Park Drive to the Interprovincial Boundary between Ontario and Quebec.

THE ELECTORAL DISTRICT OF OXFORD—consists of the County of Oxford but excluding the Town of Tillsonburg.

THE ELECTORAL DISTRICT OF PARKDALE—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of the southwesterly limit of the City of Toronto with the southerly prolongation of Roncesvalles Avenue; thence northerly along the said prolongation to and along Roncesvalles Avenue to Dundas Street West; thence northerly along Dundas Street West to Bloor Street West; thence easterly along Bloor Street West to Ossington Avenue; thence southerly along Ossington Avenue to College Street; thence westerly along College Street to Dovercourt Road; thence southerly along Dovercourt Road and its southerly prolongation to King

Street West; thence westerly along King Street West to Atlantic Avenue; thence southerly along Atlantic Avenue and its southerly prolongation to the Gardiner Expressway; thence easterly along the Gardiner Expressway to Strachan Avenue; thence southerly along Strachan Avenue and its southerly prolongation to the southwesterly limit of the City of Toronto; thence northwesterly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF PARRY SOUND—consists of the Territorial District of Parry Sound and that part of the Territorial District of Nipissing, but excluding the Township of Airy and the geographic townships of Dickens, Lyell, Murchison and Sabine, lying southerly of a line described as follows: Commencing at the northeasterly corner of the Township of North Himsworth; thence northerly along the westerly boundary of the Township of East Ferris to the northwesterly corner thereof; thence easterly along the northerly boundary of the townships of East Ferris, Bonfield and Calvin to the southwesterly corner of the Township of Mattawan; thence northerly and easterly along the west and north boundaries of the Township of Mattawan to the northeasterly corner thereof.

THE ELECTORAL DISTRICT OF PERTH—consists of the County of Perth.

THE ELECTORAL DISTRICT OF PETERBOROUGH—consists of the City of Peterborough, the Village of Millbrook, the townships of Cavan, Ennismore, North Monaghan, South Monaghan and Smith, and Indian Reserve No. 35.

THE ELECTORAL DISTRICT OF PORT ARTHUR—consists of that part of the Territorial District of Thunder Bay lying within the following limits: Commencing at the southwest corner of the geographic Township of Adrian; thence northerly along the west boundary of the geographic townships of Adrian and Horne to the southerly boundary of the Dawson Road Lots; thence westerly, northerly and easterly along the southerly, westerly and northerly boundaries of the Dawson Road Lots to the west boundary of the geographic Township of Goldie; thence northerly along the west boundary of the geographic Township of Goldie to the northwest corner thereof; thence easterly along the north boundary of the geographic townships of Goldie and Forbes to the southeast corner of Block 1; thence northerly along the east boundary of the said block to the northwest corner of the geographic Township of Fowler; thence easterly along the north boundary of the geographic townships of Fowler and Jacques to the northeast corner of the last mentioned township; thence southerly along the east boundary of the geographic Township of Jacques to the north boundary of the geographic Township of Gorham; thence easterly along the north boundary of the said township to the northeast corner thereof; thence southerly along the east boundary of the geographic Township of Gorham to the northwest corner of the Township of Shuniah; thence easterly and northerly along the north and west boundaries of the Township of Shuniah to the southwest corner of the Township of Dorion; thence easterly along the south boundary of the said township to the southeast corner thereof; thence east astronomically to the centre line of Black Bay of Lake Superior; thence southerly along the said centre line to the southerly extremity thereof; thence south astronomically to the International Boundary between Canada and the United States of America; thence southwesterly along the said International Boundary to the line of longitude 89° 00'; thence north astronomically along the said line of longitude to the easterly prolongation of the south limit of the former City of Port Arthur, as existing prior to January 1, 1970; thence westerly along the said prolongation to and along the south limit of the said former City of Port Arthur to Golf Links Road; thence northerly along Golf Links Road to the Harbour Access Route; thence westerly along the Harbour Access Route to the Lakehead Expressway; thence southerly along the Lakehead Expressway to the south limit of the former City of Port Arthur as existing prior to January 1, 1970; thence westerly along the said limit and the south boundary of the former Township of McIntyre as existing prior to Janu-

ary 1, 1970, to the northeast corner of the Township of Paipoonge; thence westerly along the north boundary of the said township to the northwest corner thereof; thence northerly along the east boundary of the Township of O'Connor to the northeast corner thereof; thence westerly along the north boundary of the Township of O'Connor to the southeast corner of the geographic Township of Adrian; thence westerly along the south boundary of the said township to the point of commencement.

THE ELECTORAL DISTRICT OF PRESCOTT AND RUSSELL—consists of the counties of Prescott and Russell and the Township of Cumberland.

THE ELECTORAL DISTRICT OF PRINCE EDWARD-LENNOX—consists of the County of Prince Edward, the towns of Deseronto and Napanee, the Village of Bath, the townships of Adolphustown, Ernestown, North Fredericksburgh, Richmond, South Fredericksburgh, Thurlow and Tyendinaga, and Indian Reserve No. 38.

THE ELECTORAL DISTRICT OF QUINTE—consists of the cities of Belleville and Trenton, the Village of Frankford, and the Township of Sidney.

THE ELECTORAL DISTRICT OF RAINY RIVER—consists of the Territorial District of Rainy River and that part of the Territorial District of Kenora, excluding the community of English River, lying south of a line described as follows: Commencing at the intersection of the International Boundary between Canada and the United States of America with a line drawn west astronomic from the westerly extremity of the 4th Base Line at the westerly shore of Aulneau Peninsula; thence east astronomically along the said line to the westerly extremity of the said 4th Base Line; thence easterly along the said base line to the 6th Meridian Line surveyed by A. Niven, O.L.S., in 1894; thence northerly along the 6th Meridian Line to the northwest corner of the geographic Township of Van Horne; thence easterly along the north boundary of the said township to the northwest corner of the Town of Dryden; thence southerly and easterly along the westerly and southerly limits of the said town to the west limit of the Township of Barclay; thence northerly, easterly and southerly along the west, north and east boundaries of the said township to the north boundary of the geographic Township of Zealand; thence easterly along the north boundary of the geographic townships of Zealand, Hartman and MacFie to the northeast corner of the last mentioned township; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the southwest corner of Block 9; thence easterly along the south boundary of the said block to the southeast corner thereof; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the boundary between the territorial districts of Kenora and Thunder Bay.

THE ELECTORAL DISTRICT OF RENFREW NORTH—consists of the Township of Airy, the geographic townships of Dickens, Lyell, Murchison and Sabine, and the County of Renfrew but excluding the towns of Arnprior and Renfrew, the Village of Braeside and the townships of Admaston, Bagot and Blithfield, Horton and McNab.

THE ELECTORAL DISTRICT OF RIVERDALE—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of the Don River with the northerly limit of the City of Toronto; thence easterly along the said limit to Coxwell Avenue; thence southerly along Coxwell Avenue to the Canadian National railway line; thence southwesterly along the said railway line to Greenwood Avenue; thence southerly along Greenwood Avenue to Queen Street East; thence westerly along Queen Street East to Leslie Street; thence southerly along Leslie Street and its southerly prolongation to the southerly limit of the City of Toronto; thence westerly along the said limit to the southerly prolongation of the centre line of Eastern Channel of Inner Harbour; thence northerly along the said prolongation to and along the said centre line to the northerly extremity thereof; thence northerly along the

prolongation of the said centre line to the water's edge of Inner Harbour; thence easterly along the said water's edge to the northerly side of the Keating Channel; thence easterly along the said northerly side to the Don River; thence northerly along the Don River to the point of commencement.

THE ELECTORAL DISTRICT OF ST. ANDREW-ST. PATRICK—consists of that part of the cities of Toronto and York lying within the following limits: Commencing at the intersection of Yonge Street with College Street; thence westerly along College Street to Bathurst Street; thence northerly along Bathurst Street to Eglinton Avenue West; thence westerly along Eglinton Avenue West to Allen Road; thence northerly along Allen Road to the northerly limit of the City of Toronto; thence easterly along the said limit to the southerly extremity of the course thereon oriented in a northerly and southerly direction and situated immediately west of Proudfoot Avenue; thence southerly along the prolongation of the said course in the northerly limit of the City of Toronto to Briar Hill Avenue; thence easterly along Briar Hill Avenue to Castlewood Road; thence southerly along Castlewood Road to Roselawn Avenue; thence westerly along Roselawn Avenue to Latimer Avenue; thence southerly along Latimer Avenue to Eglinton Avenue West; thence easterly along Eglinton Avenue West to Duncannon Drive; thence southerly along Duncannon Drive and its southerly prolongation to the abandoned Canadian National railway line situated immediately southwesterly of Chaplin Crescent; thence south-easterly along the said railway line to Yonge Street; thence southerly along Yonge Street to the easterly prolongation of Lonsdale Road; thence westerly along the said prolongation to and along Lonsdale Road to Avenue Road; thence southerly along Avenue Road to St. Clair Avenue West; thence easterly along St. Clair Avenue West to Yonge Street; thence southerly along Yonge Street to the point of commencement.

THE ELECTORAL DISTRICT OF ST. CATHARINES—consists of that part of the City of St. Catharines lying northerly and easterly of a line described as follows: Commencing at the intersection of the easterly limit of the City of St. Catharines with the Queen Elizabeth Way; thence northwesterly along the Queen Elizabeth Way to Martindale Road; thence northerly along Martindale Road to Lakeshore Road West; thence westerly along Lakeshore Road West to Courtleigh Road; thence northerly along Courtleigh Road and its northerly prolongation to the northerly limit of the City of St. Catharines.

THE ELECTORAL DISTRICT OF ST. CATHARINES-BROCK—consists of the Town of Niagara-on-the-Lake and that part of the City of St. Catharines lying southerly and easterly of a line described as follows: Commencing at the intersection of the easterly limit of the City of St. Catharines with the Queen Elizabeth Way; thence northwesterly along the Queen Elizabeth Way to Twelve Mile Creek; thence southerly along Twelve Mile Creek to the southerly limit of the City of St. Catharines.

THE ELECTORAL DISTRICT OF ST. GEORGE-ST. DAVID—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Carlton Street with Yonge Street; thence northerly along Yonge Street to St. Clair Avenue West; thence westerly along St. Clair Avenue West to Avenue Road; thence northerly along Avenue Road to Lonsdale Road; thence easterly along Lonsdale Road and its easterly prolongation to Yonge Street; thence southerly along Yonge Street to the southerly limit of Mount Pleasant Cemetery; thence easterly along the said limit to the westerly limit of the Borough of East York; thence southerly and easterly along the westerly and southerly limits of the said borough to the Don River; thence southerly along the Don River to the northerly side of the Keating Channel; thence westerly along the said northerly side to the water's edge of Inner Harbour; thence westerly along the said water's edge to the southerly prolongation of Sherbourne Street; thence northerly along the said prolongation to and along

Sherbourne Street to Carlton Street; thence westerly along Carlton Street to the point of commencement.

THE ELECTORAL DISTRICT OF SARNIA—consists of the City of Sarnia, the Village of Point Edward, that part of the Township of Sarnia lying westerly of Modeland Road and northerly of Confederation Street, and Indian Reserve No. 45.

THE ELECTORAL DISTRICT OF SAULT STE. MARIE—consists of the City of Sault Ste. Marie.

THE ELECTORAL DISTRICT OF SCARBOROUGH-AGINCOURT—consists of that part of the City of Scarborough lying northerly of the Macdonald-Cartier Freeway and westerly of the Canadian National railway line situated immediately east of Kennedy Road.

THE ELECTORAL DISTRICT OF SCARBOROUGH CENTRE—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of Lawrence Avenue East and Markham Road; thence southerly along Markham Road and its southerly prolongation to the southerly limit of the City of Scarborough; thence westerly along the said limit to the southerly prolongation of Wynnview Court; thence northerly along the said prolongation to and along Wynnview Court to the northerly extremity thereof; thence northerly in a straight line to the southerly extremity of Kennedy Road; thence northerly along Kennedy Road to Eglinton Avenue East; thence easterly along Eglinton Avenue East to the Canadian National railway line situated immediately west of Midland Avenue; thence northerly along the said railway line to Lawrence Avenue East; thence easterly along Lawrence Avenue East to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH EAST—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of Markham Road with Lawrence Avenue East; thence easterly along Lawrence Avenue East to West Highland Creek; thence northerly along West Highland Creek to Highland Creek; thence northwesterly along Highland Creek to an unnamed creek immediately west of the westerly extremity of Silversand Place; thence northerly along the said unnamed creek to the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to the easterly limit of the City of Scarborough; thence southerly along the said limit to the southeasterly corner of the said city; thence westerly along the southerly limit of the said city to the southerly prolongation of Markham Road; thence northerly along the said prolongation to and along Markham Road to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH-ELLESMERE—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of the Macdonald-Cartier Freeway with Victoria Park Avenue; thence southerly along Victoria Park Avenue to Lawrence Avenue East; thence easterly along Lawrence Avenue East to West Highland Creek; thence northerly along West Highland Creek to Highland Creek; thence northerly along Highland Creek to an unnamed creek immediately west of the westerly extremity of Silversand Place; thence northerly along the said unnamed creek to the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH NORTH—consists of that part of the City of Scarborough lying northerly and easterly of a line described as follows: Commencing at the intersection of the easterly limit of the City of Scarborough with the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to the Canadian National railway line situated immediately east of Kennedy Road; thence northerly along the said railway line to the northerly limit of the City of Scarborough.

THE ELECTORAL DISTRICT OF SCARBOROUGH WEST—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of the westerly limit of the City of Scarborough with Lawrence Avenue East; thence easterly along Lawrence Avenue East to the Canadian National railway line; thence southerly along the said railway line to Eglinton Avenue East; thence westerly along Eglinton Avenue East to Kennedy Road; thence southerly along Kennedy Road to the southerly extremity thereof; thence southerly in a straight line to the northerly extremity of Wynnview Court; thence southerly along Wynnview Court and its southerly prolongation to the southerly limit of the City of Scarborough; thence westerly along the said limit to the southwesterly corner of the said city; thence northerly along the westerly limit of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF SIMCOE CENTRE—consists of the City of Barrie, the Town of Bradford, and the townships of Innisfil, Vespra and West Gwillimbury.

THE ELECTORAL DISTRICT OF SIMCOE EAST—consists of the City of Orillia, the Town of Penetanguishene, the villages of Coldwater and Elmvale, the townships of Flos, Mara, Medonte, Orillia, Oro, Rama and Tiny, and Indian reserves No. 30 and No. 32.

THE ELECTORAL DISTRICT OF SIMCOE WEST—consists of the towns of Alliston, Collingwood, Stayner, and Wasaga Beach, the villages of Beeton, Cookstown, Creemore and Tottenham, and the townships of Adjala, Essa, Nottawasaga, Sunnidale, Tecumseth and Tosorontio.

THE ELECTORAL DISTRICT OF STORMONT, DUNDAS AND GLENGARRY—consists of the towns of Alexandria and Kemptville, the villages of Cardinal, Chesterville, Finch, Iroquois, Lancaster, Maxville, Morrisburg and Winchester, and the townships of Edwardsburgh, Finch, Kenyon, Lancaster, Lochiel, Matilda, Mountain, Osnabruck, Oxford-on-Rideau, Roxborough, South Gower, Williamsburgh and Winchester.

THE ELECTORAL DISTRICT OF SUDBURY—consists of that part of the City of Sudbury lying within wards 1, 4, 5, 6, 7 and 8 and that part of wards 2 and 3 lying southerly of Lasalle Boulevard.

THE ELECTORAL DISTRICT OF SUDBURY EAST—consists of that part of the Territorial District of Sudbury lying within the following limits: Commencing at the southeast corner of the geographic Township of Janes; thence westerly along the south boundary of the geographic townships of Janes, Davis and Scadding to the easterly limit of the Town of Nickel Centre; thence northerly and westerly along the limits of the Town of Nickel Centre to the easterly limit of the Town of Capreol; thence northerly, westerly, northerly, westerly and southerly along the limits of the Town of Capreol to the northerly limit of the Town of Valley East; thence westerly, southerly, easterly and southerly along the limits of the Town of Valley East to the northwest corner of the City of Sudbury; thence easterly along the northerly limit of the City of Sudbury to the northeast corner of Ward 4; thence southerly along the easterly limit of Ward 4 to Lasalle Boulevard; thence easterly along Lasalle Boulevard to the easterly limit of the City of Sudbury; thence southerly along the said limit to the northeast corner of Ward 9; thence westerly along the north limit of Ward 9 to the westerly limit of the City of Sudbury; thence southerly along the westerly limit of the City of Sudbury to the southwest corner thereof; thence easterly along the southerly limit of the City of Sudbury to the west boundary of the geographic Township of Tilton; thence southerly along the west boundary of the geographic townships of Tilton, Halifax, Attlee, Kilpatrick and Travers to the boundary between the territorial districts of Sudbury and Parry Sound; thence easterly along the said boundary to the boundary between the territorial districts of Sudbury and Nipissing; thence westerly and northerly along the said boundary to the point of commencement.

THE ELECTORAL DISTRICT OF TIMISKAMING—consists of the Territorial District of Timiskaming and that part of the Territorial District of Nipissing lying northerly of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with the easterly prolongation of the south boundary of the geographic Township of Eddy; thence westerly along the said prolongation to and along the south boundary of the geographic Township of Eddy and of the geographic townships of Jocko, Lockhart, Stewart, Notman, Lyman, Fell, Bastedo, Gibbons and Crerar to the southwest corner of the last mentioned township.

THE ELECTORAL DISTRICT OF VICTORIA-HALIBURTON—consists of the counties of Haliburton and Victoria but excluding the Township of Manvers.

THE ELECTORAL DISTRICT OF WATERLOO NORTH—consists of the City of Waterloo and the townships of Wellesley and Woolwich.

THE ELECTORAL DISTRICT OF WELLAND-THOROLD—consists of the cities of Thorold and Welland.

THE ELECTORAL DISTRICT OF WELLINGTON—consists of the County of Wellington but excluding the City of Guelph.

THE ELECTORAL DISTRICT OF WENTWORTH EAST—consists of the Township of Glanbrook, the City of Stoney Creek and that part of the City of Hamilton lying within the following limits: Commencing at the intersection of the easterly limit of the City of Hamilton with the brow of Hamilton Mountain; thence southwesterly along the said brow to Redhill Creek; thence northerly along Redhill Creek to Queenston Road; thence easterly along Queenston Road to the easterly limit of the City of Hamilton; thence southerly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF WENTWORTH NORTH—consists of the towns of Ancaster and Dundas and the Township of Flamborough.

THE ELECTORAL DISTRICT OF WILLOWDALE—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Yonge Street with the northerly limit of the City of North York; thence easterly along the said limit to Leslie Street; thence southerly along Leslie Street to the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to Bathurst Street; thence northerly along Bathurst Street to Finch Avenue West; thence easterly along Finch Avenue West to Yonge Street; thence northerly along Yonge Street to the point of commencement.

THE ELECTORAL DISTRICT OF WILSON HEIGHTS—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Dufferin Street with the northerly limit of the City of North York; thence easterly along the said limit to Yonge Street; thence southerly along Yonge Street to Finch Avenue West; thence westerly along Finch Avenue West to Bathurst Street; thence southerly along Bathurst Street to the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to Avenue Road; thence southerly along Avenue Road to the westerly prolongation of the course in the southerly limit of the City of North York oriented in an easterly and westerly direction and situated immediately south of Brooke Avenue; thence easterly along the said prolongation to the southerly limit of the City of North York; thence southerly along the said limit to Old Orchard Grove; thence westerly along Old Orchard Grove to Bathurst Street; thence northerly along Bathurst Street to Baycrest Avenue; thence westerly along Baycrest Avenue and its westerly prolongation to Allen Road; thence northerly along Allen Road to Dufferin Street; thence northerly along Dufferin Street to the point of commencement.

THE ELECTORAL DISTRICT OF WINDSOR-RIVERSIDE—consists of the Town of Tecumseh, the Village of St. Clair Beach and that part of the City of Windsor (including Peche Island) lying easterly of a line described as follows: Commencing at the intersection of the International Boundary between Canada and the United States of America with the northerly prolongation of Buckingham Drive; thence southerly along the said prolongation to and along Buckingham Drive to Wyandotte Street East; thence westerly along Wyandotte Street East to Raymo Road; thence southerly along Raymo Road and its southerly prolongation to the Canadian National railway line; thence westerly along the said railway line to the northerly prolongation of Norman Road; thence southerly along the said prolongation to and along Norman Road to Tecumseh Road East; thence westerly along Tecumseh Road East to the Chesapeake and Ohio railway line; thence southerly along the said railway line to the southerly limit of the City of Windsor.

THE ELECTORAL DISTRICT OF WINDSOR-SANDWICH—consists of the Township of Sandwich West and that part of the City of Windsor lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of Windsor with Cabana Road West; thence easterly along Cabana Road West to Dougall Avenue; thence northerly along Dougall Avenue to Ouellette Place; thence northerly along Ouellette Place to Ouellette Avenue; thence northerly along Ouellette Avenue and its northerly prolongation to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF WINDSOR-WALKERVILLE—consists of that part of the City of Windsor lying within the following limits: Commencing at the intersection of the International Boundary between Canada and the United States of America with the northerly prolongation of Ouellette Avenue; thence southerly along the said prolongation to and along Ouellette Avenue to Ouellette Place; thence southerly along Ouellette Place to Dougall Avenue; thence southerly along Dougall Avenue to Cabana Road West; thence westerly along Cabana Road West to the southerly limit of the City of Windsor; thence easterly along the said limit to the Chesapeake and Ohio railway line; thence northerly along the said railway line to Tecumseh Road East; thence easterly along Tecumseh Road East to Norman Road; thence northerly along Norman Road and its northerly prolongation to the Canadian National railway line; thence easterly along the said railway line to the southerly prolongation of Raymo Road; thence northerly along the said prolongation to and along Raymo Road to Wyandotte Street East; thence easterly along Wyandotte Street East to Buckingham Drive; thence northerly along Buckingham Drive and its northerly prolongation to the International Boundary between Canada and the United States of America; thence westerly along the said International Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF YORK CENTRE—consists of the towns of Richmond Hill and Vaughan.

THE ELECTORAL DISTRICT OF YORK EAST—consists of that part of the Borough of East York lying within the following limits: Commencing at the intersection of Chisholm Avenue with the southerly limit of the Borough of East York; thence westerly, northerly, easterly and southeasterly along the southerly, westerly and northerly limits of the said borough to Don Mills Road; thence southerly along Don Mills Road to the Don River; thence easterly along the Don River to Taylor Creek; thence southeasterly along Taylor Creek to the northerly prolongation of Chisholm Avenue; thence southerly along the said prolongation to and along Chisholm Avenue to the point of commencement.

THE ELECTORAL DISTRICT OF YORK MILLS—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Avenue Road with the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to the easterly limit of the City of North York;

thence southerly along the said limit to Lawrence Avenue East; thence westerly along Lawrence Avenue East and its westerly prolongation to Don River West Branch; thence northwesterly along the Don River West Branch to the easterly prolongation of the course in the southerly limit of the City of North York oriented in an easterly and westerly direction and situated immediately north of Glen Echo Road; thence westerly along the said prolongation to and along the southerly limit of the City of North York to the westerly extremity of the course thereon oriented in an easterly and westerly direction and situated immediately south of Brooke Avenue; thence westerly along the prolongation of the said course to Avenue Road; thence northerly along Avenue Road to the point of commencement.

THE ELECTORAL DISTRICT OF YORK NORTH—consists of the towns of Aurora and Newmarket and the Township of King.

THE ELECTORAL DISTRICT OF YORK SOUTH—consists of that part of the City of York lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of York with the Canadian National railway line situated immediately east of Blackthorn Avenue; thence northerly along the said railway line to Eglinton Avenue West; thence westerly along Eglinton Avenue West to Keele Street; thence northerly along Keele Street to the northerly limit of the City of York.

THE ELECTORAL DISTRICT OF YORKVIEW—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Black Creek with the northerly limit of the City of North York; thence westerly and southerly along the northerly and westerly limits of the City of North York to the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to Jane Street; thence northerly along Jane Street to Finch Avenue West; thence easterly along Finch Avenue West to Black Creek; thence northerly along Black Creek to the point of commencement.

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Bill 78

An Act to provide for the Regulation of Rents charged for Rental Units in Residential Complexes

The Hon. A. Curling
Minister of Housing



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

The Bill replaces the provisions of the *Residential Tenancies Act* that govern rent review matters with a new Act, to be called the *Residential Rent Regulation Act, 1985*.

Among the principal features of the new Act proposed by the Bill are the following:

1. The percentage amount by which a landlord may increase the rent charged for a rental unit without applying for an order permitting the landlord to do so is set at 4 per cent in respect of rent increases that take effect on or after the 1st day of August, 1985, and before the 1st day of January, 1987; in respect of rent increases that take effect on or after the 1st day of January, 1987, the percentage will be calculated annually in accordance with a prescribed schedule.
2. Three categories of rental units that are exempt from rent review under the *Residential Tenancies Act* are, under the Bill, made subject to rent regulation effective the 1st day of August, 1985. These are,
 - i. a rental unit situate in a building, no part of which was occupied as a rental unit before the 1st day of January, 1976,
 - ii. a rental unit that is a mobile home or mobile home site that was not occupied as a rental unit before the 1st day of January, 1976, and
 - iii. a rental unit the monthly rental for which is in excess of \$750 (regardless of when that level of rent was reached).
3. A landlord who desires to increase the rent charged for a rental unit by more than the relevant percentage is required to apply, in the first instance, to the Minister of Housing for an order permitting the landlord to do so. The authority to consider such an application and make an order may be delegated by the Minister to named officials of the Ministry of Housing. Procedures are set out in the Bill to be followed where such an application is made.
4. A board to be known as the Rent Review Hearings Board is established to which a landlord or a tenant may appeal from an order made on the initial application. That appeal will be conducted as a hearing *de novo*. A further appeal lies on a question of law from an order of that Board to the Divisional Court.
5. Provision is made for the establishment of a rent registry that will initially compile information on the rent charged and other relevant matters in respect of residential complexes containing more than six rental units; at a future date to be prescribed, the registry will be expanded to include such rental information in respect of residential complexes containing six or fewer rental units. Landlords will be required to file the actual rent being charged for a rental unit on the 1st day of July, 1985, or if a rental unit is not rented on that date, the rent charged when it is first rented. Tenants may dispute within a specified time period the amount of the actual rent as recorded in the rent registry; otherwise the rent recorded is deemed to be the lawful rent.
6. Where an order has been made under the *Residential Tenancies Act*, or is made under the new Act proposed by the Bill, for a rent increase because of an increase in financing costs, tenants may, at the time those increased costs are no longer borne by the landlord, apply for a reduction in the rents being charged.
7. The interim restraint on the pass-through of increased financing costs resulting from the purchase of a residential complex, contained in the *Residential Complexes Financing Costs Restraint Act, 1982*, is placed on a permanent footing. The suspension of the 2 per cent relief of hardship provision contained in that

Act is, however, lifted. Restored also is the provision permitting equalization of rents for similar rental units, under certain conditions, which had been suspended under the operation of that Act.

8. The Lieutenant Governor in Council is empowered to prescribe by regulation procedural rules and administrative policies and these will be binding on the Minister or the Minister's delegates and on the Board in the interpretation and application of the Act; additional extensive regulation-making powers are conferred on the Lieutenant Governor in Council to prescribe in detail the manner in which applications under the Act will be dealt with.
9. The Bill contains an expanded offences provision; it will, for example, be an offence for a landlord to charge a rent that is in excess of that permitted under the Act.
10. A landlord's increased operating costs will be allowed at a fixed percentage on an application for permission to charge a higher rent.
11. Provisions are included in the Bill that set out the consequences, and the procedures to be followed, where a landlord has increased the rent charged for a previously exempt rental unit to take effect on or after the 1st day of August, 1985, by more than 4 per cent.

Bill 78**1986**

**An Act to provide for the
Regulation of Rents charged for
Rental Units in Residential Complexes**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“Board” means the Rent Review Hearings Board established under this Act;

“landlord” includes the owner, or other person permitting occupancy of a rental unit, and his or her heirs, assigns, personal representatives and successors in title and a person, other than a tenant occupying the rental unit, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent;

“mail” means first-class, registered or certified mail;

“maximum rent” means the lawful maximum rent which could be charged for a rental unit had all statutory increases or other increases permitted under this Act been taken;

“Minister” means the Minister of Housing or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;

“Ministry” means the ministry of the Minister;

“mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;

“mobile home park” means the rental units, and the land, structures, services and facilities of which the landlord retains possession and that are intended for the common use and enjoyment of the tenants of the landlord, where two or more occupied mobile homes are located for a period of sixty days or more;

R.S.O. 1980,
c. 91

“non-profit co-operative housing corporation” means a corporation incorporated without share capital under the *Co-operative Corporations Act* or any predecessor thereof or under similar legislation of Canada or any province, the main purpose and activity of which is the provision of housing for its members, and the charter or by-laws of which provide that,

- (a) its activities shall be carried on without the purpose of gain for its members,
- (b) on dissolution, its property after payment of its debts and liabilities shall be distributed to non-profit or charitable organizations,
- (c) housing charges, other charges similar to rent, or any other charges payable by members are decided by a vote of the members or of a body duly elected or appointed by the members, or a committee thereof,
- (d) termination of occupancy rights may be brought about only by a vote of the members or of a body duly elected or appointed by the members, or a committee thereof, and that the member whose occupancy rights are terminated has a right to appear and make representations prior to such vote;

“prescribed” means prescribed by the regulations made under this Act;

“rent” includes the amount of any consideration paid or given or required to be paid or given by or on behalf of a tenant to a landlord or the landlord’s agent for the right to occupy a rental unit and for any services and facilities, privilege, accommodation or thing that the landlord provides for the tenant in respect of his or her occupancy of the rental unit, whether or not a separate charge is made for such services and facilities, privilege, accommodation or thing but does not include,

- (a) any amount required by the *Retail Sales Tax Act* to be collected from a tenant by a landlord, or R.S.O. 1980, c. 454
- (b) any amount paid by a tenant to a landlord to reimburse the landlord for property taxes paid by the landlord to a municipality in respect of a mobile home owned by a tenant;

“rental unit” means any living accommodation or site for a mobile home used or intended for use as rented residential premises;

“residential complex” means a building, related group of buildings or mobile home park, in which one or more rental units are located, including a rental unit contained in a complex registered under the *Condominium Act* or a related group of units in a complex registered under that Act, and includes all common areas, services and facilities available for the use of residents of the building, buildings or park; R.S.O. 1980, c. 84

“services and facilities” includes,

- (a) furniture, appliances and furnishings,
- (b) parking and related facilities,
- (c) laundry facilities,
- (d) elevator facilities,
- (e) common recreational facilities,
- (f) garbage facilities and related services,
- (g) cleaning or maintenance services,
- (h) storage facilities,
- (i) intercom systems,
- (j) cablevision facilities,
- (k) heating facilities or services,
- (l) air-conditioning facilities,
- (m) utilities and related services,
- (n) security services or facilities;

“statutory increase” means the amount by which the rent charged for a rental unit may be increased without application to the Minister;

“subsidized public housing” means a rental unit rented to persons or families of low or modest income who pay an amount geared-to-income for that unit by reason of public funding provided by the Government of Canada, Ontario or a municipality, including a regional, district or metropolitan municipality, or by any agency thereof, pursuant to the *National Housing Act* (Canada), the *Housing Development Act* or the *Ontario Housing Corporation Act*;

R.S.C. 1970,
c. N-10
R.S.O. 1980,
cc. 209, 339

“tenancy agreement” means an agreement between a landlord and a tenant for occupancy of a rental unit, whether written, oral or implied;

“tenant” means a person who pays rent in return for the right to occupy a rental unit and his or her heirs, assigns and personal representatives and a sub-tenant is a tenant of the person giving the sub-tenant the right to occupy the rental unit.

Application
of Act

2.—(1) This Act applies to rental units in residential complexes, despite any other Act and despite any agreement or waiver to the contrary.

Conflict
1981, c. 53

(2) Where a provision of this Act conflicts with a provision of any other Act, except the *Human Rights Code, 1981*, the provision of this Act applies.

Act binds
Crown

3. This Act is binding on the Crown.

Exemptions
from Act

4.—(1) This Act does not apply to,

- (a) transient living accommodation provided in a hotel, motel, inn, tourist home or hostel;
- (b) living accommodation occupied as a vacation home for a seasonal or temporary period;
- (c) living accommodation, whether situate on or off a farm, where occupancy of the premises is conditional upon the occupant continuing to be employed on the farm;
- (d) living accommodation provided by a non-profit co-operative housing corporation to its members;

- (e) living accommodation occupied by a person for penal, correctional, rehabilitative or therapeutic purposes or for the purpose of receiving care;
- (f) living accommodation established to temporarily shelter persons in need;
- (g) living accommodation provided in connection with the purposes for which the institution is established by a hospital, a nursing home or a home for the aged;
- (h) living accommodation provided by an educational institution to its students or staff where,
 - (i) the living accommodation is provided primarily to persons under the age of majority, or
 - (ii) all major questions related to the living accommodation are decided after consultation with a council or association representing the residents,

unless the living accommodation has its own self-contained bathroom and kitchen facilities and is intended for year-round occupation by full-time students or staff and members of their households;

- (i) living accommodation situate in a building or project used in whole or in part for non-residential purposes where the occupancy of the living accommodation is necessarily connected with the employment of the occupant in, or the performance by him or her of services related to, a non-residential business or enterprise carried on in the building or project;
- (j) premises occupied for business or agricultural purposes with living accommodation attached under a single lease unless the person occupying the living accommodation is a person other than the person occupying the premises for business or agricultural purposes, in which case the living accommodation shall be deemed to be a rental unit.

(2) This Act, except for Part I, does not apply to,

Idem

- (a) a rental unit situate in a residential complex owned, operated or administered by or on behalf of the

Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof except that where the tenant occupying the rental unit pays rent to a landlord which is not the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof, this Act does apply;

- (b) a rental unit situate in a non-profit housing project, rents for which are subject to the approval of the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof, or situate in a non-profit co-operative housing project as defined in the *National Housing Act* (Canada);
- (c) a rental unit not otherwise exempt from this Act that is provided by an educational institution to a student or member of its staff except that, where there is a council or association representing the residents, the exemption does not apply in respect of a rent increase unless there has been consultation with the council or association respecting the increase;
- (d) a rental unit situate in a residential complex owned, operated or administered by a religious institution for a charitable use on a non-profit basis.

R.S.C. 1970,
c. N-10

Subsidized
public
housing

(3) This Act does not apply to an increase in the amount geared-to-income paid by a tenant in subsidized public housing who is occupying a rental unit, other than a unit referred to in clause (2) (a) or (b), but this Act does apply to the unit itself.

PART I

NOTICE OF RENT INCREASES

Notice of
rent increase

5.—(1) The rent charged for a rental unit shall not be increased unless the landlord gives the tenant a notice in the prescribed form setting out the landlord's intention to increase the rent and the amount of the increase, expressed both in dollars and as a percentage of the current rent, intended to be made not less than ninety days before the end of,

- (a) a period of the tenancy; or
- (b) the term of a tenancy for a fixed period.

(2) An increase in rent by the landlord where the landlord has not given the notice required by subsection (1) is void.

Increase void where no notice

(3) Subsections (1) and (2) do not apply to a rent increase for a rental unit where the rent increase is intended to take effect when a new tenant first occupies the rental unit under a new tenancy agreement.

Notice unnecessary for new tenant

(4) A notice of rent increase given in compliance with this section and section 17 shall be deemed to be sufficient notice for the purposes of section 123 and subsection 129 (1) of the *Landlord and Tenant Act*.

Notice of rent increase deemed in compliance with R.S.O. 1980, c. 232, ss. 123, 129 (1)

6.—(1) Where a tenant who has been given a notice of an intended rent increase under section 5 fails to give the landlord proper notice of termination, the tenant shall be deemed to have accepted the amount of rent increase that does not exceed the amount allowed under this Act.

Where tenant fails to give notice of termination

(2) The deemed acceptance by a tenant of an increase in rent in the case mentioned in subsection (1) does not constitute a waiver of the tenant's rights to take whatever proceedings are available under this Act for the regulation of rent increases.

Deemed acceptance not to constitute waiver of tenant's rights

7. Where a notice of an intended rent increase has been given under section 5, a rent increase up to the lesser of,

Rent chargeable until order takes effect

(a) the intended rent increase specified in the notice; and

(b) the limit imposed by subsection 50 (1),

may be charged and collected by the landlord until such time as an order setting the maximum rent that may be charged for the rental unit takes effect.

PART II

GENERAL

8. The Minister is responsible for the administration of this Act.

Administration

9. The Minister may by order establish regions in Ontario for the purposes of this Act.

Minister may establish regions

Proceedings
in region

10. An application to the Minister and an appeal to the Board may only be made, and all proceedings under this Act shall be held, in the region in which the residential complex in question is situate unless the Minister or the Board, as the case may be, otherwise directs.

Duties of
Minister

11. The Minister shall,

- (a) provide information and advice to the public on all residential tenancy matters including referral where appropriate to social services and public housing agencies;
- (b) investigate cases of alleged failure to comply with an order made under this Act or to comply otherwise with the provisions of this Act and, where the circumstances warrant, commence or cause to be commenced proceedings in respect of the offence; and
- (c) take an active role in ensuring that landlords and tenants are aware of the benefits and obligations established by this Act.

Delegation

12. The Minister may in writing delegate any power or duty granted to or vested in the Minister under this Act to any officer or employee of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation.

Exclusive
jurisdiction
of Minister
and Board

13.—(1) Subject to subsections (4) and (5), the Minister and, on appeal, the Board, have exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Act and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Minister and the Board.

Procedural
rules and
adminis-
trative
policies

(2) The Minister and the Board, in the interpretation and administration of this Act, shall observe such procedural rules and administrative policies as are prescribed.

Board may
determine
application
of Act, etc.

(3) The Board, on the application of a landlord or a tenant, may make a binding determination as to,

- (a) whether this Act applies to a particular living accommodation;
- (b) the rental units, common areas, services and facilities that are included in a particular residential complex; and

(c) any other matter of concern that may arise respecting the application of this Act.

(4) In respect of any proceedings under this Act, the Minister shall not accept an application and the Board shall not accept an appeal where the amount claimed by any party to the application is in excess of \$3,000 and neither the Minister nor the Board shall make an order for the payment of money in excess of \$3,000.

Where amount claimed by party over \$3,000

(5) Where, under this Act, a person claims a sum of money in excess of \$3,000, he or she may institute proceedings therefor in any court of competent jurisdiction.

Court jurisdiction

PART III

PROCEDURE

14. A person may make an application to the Minister as a landlord or as a tenant, provided the person was a landlord or a tenant at the time the conduct giving rise to the application occurred.

Who may make application

15.—(1) An application to the Minister shall be made in the prescribed form and shall be signed by the person making the application or his or her agent.

Form of application

(2) Where an application is brought against an occupant and the name of the occupant is not known to the person bringing the application, the name of the occupant may be shown in the application as “occupant” and any proceedings may be taken against, and all orders shall be binding on, the person occupying the rental unit as if the occupant had been correctly named.

Where name of occupant not known

(3) Where an application is brought against a landlord and the name of the landlord is not known to the person bringing the application, the name of the landlord may be shown in the application as “landlord” and any proceedings may be taken against, and all orders shall be binding on, the landlord as if the landlord had been correctly named.

Where name of landlord not known

16.—(1) Where a landlord makes an application to the Minister, the landlord shall within ten days give a copy of the application to any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised in the application.

Landlord must give copy of application to tenant, etc.

Tenant must give copy of application to landlord

(2) Where a tenant makes an application to the Minister, the tenant shall within ten days give a copy of the application to the landlord.

Where new landlord or new tenant

(3) Where, before an order is made in respect of any application to the Minister, a landlord or tenant is succeeded by a new landlord or tenant, the applicant shall within ten days of becoming aware of such change give the new landlord or tenant a copy of the application.

Minister may give written directions

(4) The Minister shall, on request, give written directions concerning the giving of copies of an application, and compliance with the directions of the Minister shall be deemed to be compliance with this section.

Extension of time for application, etc.

(5) The Minister may, whether or not the time for making an application to the Minister or giving the application to any party or filing any documents has expired and where the Minister is of the opinion that it would not be unfair to do so, extend the time for the making of the application to the Minister or giving the application to any party or the filing of any documents.

Application of subss. (1-5) to appeals

(6) The provisions of subsections (1) to (5) apply with necessary modifications to the filing of notices of appeal with the Board under Part VII of this Act.

Method of giving notice, etc.

17.—(1) Where this Act permits or requires a notice or document to be given to a person, the notice or document is sufficiently given by,

(a) handing it to the person, or,

(i) where the person is a landlord, to any employee of the landlord exercising authority in respect of the residential complex, or

(ii) where the person is a tenant, sub-tenant or occupant, to an apparently adult person in the rental unit;

(b) leaving it in the mail box where mail is ordinarily delivered to the person;

(c) where there is no mail box, leaving it at the place where mail is ordinarily delivered to the person; or

(d) sending it by mail to the address where the person resides or carries on business.

(2) Where a notice or document is given by mail, it shall be deemed to have been given on the fifth day after mailing.

Where notice given by mail

(3) Despite the other provisions of this section, the Minister or the Board, as the case may be, may in writing direct a notice or document to be given in any other manner.

Minister or Board may give written directions

(4) Despite the other provisions of this section, a notice or document shall be deemed to have been validly given where it is proven that the contents of the notice or document actually came to the attention of the person for whom the notice or document was intended within the times for the giving of notice or documents under this Act.

Actual notice is sufficient

(5) The method for the computation of time set out in the Rules of Civil Procedure apply to the computation of time under this Act.

Computation of time

18. Subject to subsection 65 (5), the parties to an application or an appeal are the persons making the application or appeal, any person entitled to receive a copy of the application or a notice of appeal and any person added as a party by the Minister or the Board.

Parties to application or appeal

19. Where, in any proceedings under this Act, the Minister or the Board is of the opinion that,

Changing parties; amending applications

- (a) a person who should have been included as a party has not been included as a party or that a party has been incorrectly named, the Minister or the Board, as the case may be, shall, unless it would be unfair to do so, require that the person be substituted or added as a party to the proceedings, or be correctly named;
- (b) a person who has been included as a party should not be included as a party, the Minister or the Board, as the case may be, shall require that the person be removed as a party to the proceedings; or
- (c) an amendment to the application or the notice of appeal is justified and fair, the Minister or the Board, as the case may be, may direct the application or notice of appeal be amended accordingly.

20. The Minister or the Board, as the case may be, may refuse to accept any application or appeal or to continue any proceedings where, in the opinion of the Minister or the Board, as the case may be, the matter is trivial, frivolous, vexatious or has not been initiated in good faith.

Frivolous or vexatious applications or appeals

Withdrawing
application

21.—(1) An applicant may withdraw an application at any time before the time for filing written representations has ended and thereafter the application may only be withdrawn with the consent of the Minister and the Minister may impose terms on which his or her consent is given.

Withdrawing
appeal

(2) A landlord or tenant may withdraw an appeal at any time before the hearing of the appeal has commenced but, where the hearing has commenced, the appeal may only be withdrawn with the consent of the Board and the Board may impose terms on which its consent is given.

Parties may
examine
material

22. All parties to a proceeding under this Act are entitled to examine, and the Minister and the Board, as the case may be, shall make available for examination, all material filed with the Minister or the Board pertaining to the proceeding.

Terms and
conditions

23.—(1) The Minister or the Board may include in any order, terms and conditions the Minister or the Board, as the case may be, considers proper in all the circumstances.

Clerical
errors

(2) An order made by the Minister or by the Board that contains an error arising from an accidental slip or omission may be amended by the Minister or the Board, as the case may be, at any time.

Enforcement
of order for
the payment
of money

24.—(1) A certified copy of an order of the Minister or the Board, as the case may be, for the payment of money may be filed with the Supreme Court or with the District Court and, on being filed, the order has the same force and effect and all proceedings may be taken on it, as if it were a judgment of that Court.

Variation
of order

(2) Where an order filed under subsection (1) is rescinded or varied, upon filing in accordance with subsection (1), the order or decision rescinding or varying the order previously made,

- (a) if the order or decision rescinds the order previously made, the order previously made ceases to have effect for the purposes of subsection (1); or
- (b) if the order or decision varies the order previously made, the order previously made as so varied may be enforced in a like manner as an order or decision filed under subsection (1).

PART IV

RENT REVIEW HEARINGS BOARD

- 25.** A board to be known as the Rent Review Hearings Board is established. Board established
- 26.**—(1) The Board shall be composed of such number of members as the Lieutenant Governor in Council may appoint. Composition of Board
- (2) The members of the Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. Remuneration
- (3) The *Public Service Superannuation Act* and the *Superannuation Adjustment Benefits Act* apply to members of the Board. Application of R.S.O. 1980, cc. 419, 490
- 27.** Members of the Board shall not be members of the public service, and shall hold office during pleasure. Term of office
- 28.** One member of the Board constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Board. Quorum
- 29.**—(1) The Lieutenant Governor in Council shall appoint one of the members of the Board as chairman and another of the members as vice-chairman. Chairman and vice-chairman
- (2) The chairman shall from time to time assign members of the Board to its various sittings and may change such assignments at any time and shall be the chief executive officer of the Board. Chairman chief executive officer
- (3) Where the chairman is absent or unable to act, the vice-chairman may act as chairman. Absence, etc., of chairman
- 30.** Where a member of the Board resigns or retires, the member may, in connection with any matter in which the member participated as a member of the Board, carry out and complete any duties or responsibilities and exercise any powers that the member would have had if the member had not ceased to be a member of the Board. Completion of matters by members who resign or retire, etc.
- 31.** The members shall devote the whole of their time to the performance of their duties as members of the Board and shall not accept or hold any office or employment inconsistent with such duties. Members full time

Staff

R.S.O. 1980,
c. 418

32. Such employees as are required for the purposes of the Board may be appointed under the *Public Service Act*.

Professional
assistance

33. The Board may engage persons other than those appointed under section 32 to provide professional, technical or other assistance to the Board and may prescribe the duties and terms of the engagement and provide for the payment of the remuneration and expenses of such persons.

Immunity
for acts done
in good faith

34. No action or other proceeding for compensation or damages shall be instituted against the Board, any member or any member of the Board staff, for any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or a regulation, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Publication
of decisions

35. The Board shall periodically prepare and publish a summary of significant decisions of the Board and the reasons therefor.

Board to
adopt
expeditious
procedures

36. The Board shall adopt the most expeditious method of determining the questions arising in any proceeding that affords to all persons affected by the proceedings an adequate opportunity to know the issues and be heard on the matter.

Decision to
be on merits

37.—(1) Every decision of the Board shall be upon the real merits and justice of the case.

Board to
ascertain
substance of
transactions
and activities,
etc.

(2) In determining the real merits and justice of the case, the Board shall ascertain the real substance of all transactions and activities relating to the residential complex and the good faith of the participants and in doing so,

(a) may disregard the outward form of the transaction or the separate corporate existence of the participants; and

(b) may have regard to the pattern of activities relating to the residential complex.

Audit

38. The accounts of the Board shall be audited annually by the Provincial Auditor.

Annual
report

39.—(1) The Board shall at the close of each year file with the Minister an annual report upon the affairs of the Board.

Further
reports

(2) The Board shall make such further reports to the Minister and provide the Minister with such information as the Minister from time to time requires.

(3) The Minister shall submit the reports to the Lieutenant Governor in Council and shall then lay the reports before the Assembly if it is in session or, if not, at the next ensuing session. Tabling of reports

40. All expenses incurred and expenditures made by the Board in the conduct of its affairs shall be paid out of moneys appropriated therefor by the Legislature. Moneys

41. The Board may charge and collect such fees as are prescribed for furnishing to any person, at his or her request, copies of forms, notices or documents filed with or issued by the Board. Fees

PART V

RENT REGISTRY

42. In this Part, Definition

“actual rent” means,

- (a) in respect of residential complexes containing more than six rental units,
 - (i) the rent actually charged for each rental unit as of the 1st day of July, 1985, or
 - (ii) where a rental unit in a residential complex was not rented on the 1st day of July, 1985, the rent actually charged for the rental unit when that rental unit is first rented after that date, and
- (b) in respect of residential complexes containing six or fewer rental units,
 - (i) the rent actually charged for each rental unit as of a date to be prescribed, or
 - (ii) where a rental unit in a residential complex was not rented on the date mentioned in sub-clause (i), the rent actually charged for the rental unit when the rental unit is first rented after that date.

43. This Part applies, Application of Part

- (a) to all residential complexes containing more than six rental units; and

- (b) on a date to be prescribed, to all residential complexes containing six or fewer rental units.

Establishment
of rent
registry
by Minister

44.—(1) The Minister shall establish and maintain a rent registry for all residential complexes that are subject to this Part.

Furnishing of
information
from rent
registry

(2) The Minister shall, on the request of any person made in the prescribed manner, furnish that person with the information recorded in the rent registry referred to in subsection (1) in respect of any rental unit.

Fees

(3) The Minister may charge such fees as are prescribed for furnishing information under subsection (2).

Filing of
statement
of actual
rent by
landlord

45.—(1) Every landlord of a residential complex containing more than six rental units shall file a statement in the prescribed form with the Minister setting out for each rental unit in the residential complex the following information:

1. The name and address of the landlord and, where the landlord is not ordinarily resident in Ontario, the name and the address of the landlord's representative or agent in Ontario.
2. The municipal address and a concise description by reference to lot and registered plan number, if any, and the assessment roll number of the residential complex in which the rental units are situate.
3. The number, type (by number of bedrooms) and location (by suite number or other means of identification) of the rental units in the residential complex that are subject to rent regulation under Part VI, together with the actual rent charged for each such rental unit and the date on which the rent was last increased.
4. The number, type and location of the rental units, if any, in the residential complex that are exempt from rent regulation under Part VI, together with the reason why each such rental unit is exempt from Part VI.
5. Those services and facilities, accommodations and things included in the actual rent for which a separate charge is allocated and the amount of each.
6. Whether or not an application or decision under section 52 (whole building review) or section 126 of

the *Residential Tenancies Act* is pending or whether a notice of rent increase has been given and if so, the amount of the rent increase applied for.

R.S.O. 1980,
c. 452

7. The address of the place in Ontario where the landlord's books of account and rent rolls for the residential complex are ordinarily kept.
8. Such other information as is prescribed.

(2) The statement filed with the Minister under subsection (1) shall be accompanied by a statutory declaration made by the landlord or, if the landlord is a corporation, made by the president, secretary or other senior officer thereof, declaring that the information contained in the statement is, to the declarant's belief, true and complete.

Statutory
declaration

(3) Where a rental unit in a residential complex was rented on the day this Part comes into force, the landlord shall file the statement mentioned in subsection (1) on or before the 1st day of June, 1986.

Time for
filing

(4) Where a rental unit in a residential complex was not rented on the day this Part comes into force, the landlord shall file the statement mentioned in subsection (1) within six months of the day the rental unit first becomes rented and thereafter every six months until a statement has been filed in respect of all the rental units in the residential complex.

Idem

(5) Every landlord of a residential complex containing six or fewer rental units shall file a statement in the prescribed form with the Minister containing the information described in subsection (1) on or before a day to be prescribed and thereupon subsections (2) and (4) apply with necessary modifications.

Idem

46.—(1) The Minister shall record the information contained in every statement filed under section 45 in the rent registry established and maintained under section 44 and shall thereupon give to the landlord who filed the statement a notice confirming the recording of the information in the rent registry.

Recording of
information
by Minister
in rent
registry

(2) A landlord shall within fifteen days of receiving the notice under subsection (1) either,

Duty of
landlord
when notice
received

- (a) give a copy of the notice to the tenant of each rental unit in the residential complex; or

- (b) request the Minister to correct any information provided in the statement filed under section 45 or to correct any clerical errors in the recording of the information as may be disclosed by the notice.

Amendment
of rent
registry
by Minister

(3) Where at any time the Minister is satisfied that a correction should be made to the information recorded in the rent registry, the Minister shall amend the rent registry accordingly and give to the landlord a notice confirming the recording of the information as corrected in the rent registry.

Copy of
notice to
be given
by landlord
to tenant

(4) Not later than fifteen days from receiving a corrected notice from the Minister under subsection (3), the landlord shall give a copy of the corrected notice to the tenant of each rental unit in the residential complex.

Statutory
declaration
re: service

(5) Not later than five days from giving a copy of the notice required in subsection (1) or the corrected notice in subsection (4), the landlord shall file with the Minister a statutory declaration of the landlord or, if the landlord is a corporation, of the president, secretary or other senior officer thereof, that a copy of the notice or corrected notice was given to the tenant of each of the rental units in the residential complex.

Application
by tenant
disputing
amount of
rent in notice

47.—(1) Not later than one year from the day the declaration referred to in subsection 46 (5) was filed with the Minister, a tenant may by application in the prescribed form to the Minister dispute the amount of the actual rent for the tenant's rental unit as set out in the notice.

Grounds for
application

(2) An application under subsection (1) shall be made only on one or the other or both of the following grounds:

1. That the actual rent was lower than the amount set out in the notice.
2. That the actual rent was in excess of the lawful amount permitted to be charged under this Act, the *Residential Tenancies Act* and *The Residential Premises Rent Review Act, 1975 (2nd Session)*.

R.S.O. 1980,
c. 452
1975 (2nd
Sess.), c. 12

Justification
of actual
rent by
landlord

(3) Where an application is made by a tenant based on paragraph 2 of subsection (2), the landlord may justify the actual rent set out in the notice where the landlord establishes that, when to the amount of rent charged for the rental unit on the 29th day of July, 1975, or any time thereafter, is added all increases permitted under *The Residential Premises Rent Review Act, 1975 (2nd Session)* and the *Residential Tenancies*

Act, up to the actual rent date, the resulting amount is equal to or greater than the actual rent set out in the notice.

(4) Where an application is made to the Minister by a tenant under this section, the Minister shall declare the actual rent for the rental unit which shall be deemed to be the lawful rent as of the actual rent date and may make any order that the Minister is empowered to make under section 56.

Order of the Minister

(5) If no application is brought under subsection (1) within the one-year period mentioned therein, the actual rent recorded in the rent registry in respect of a rental unit shall be deemed to be the lawful rent of that rental unit as of the actual rent date.

If no application brought

48. The Minister shall keep current the information recorded in the rent registry by incorporating, where applicable,

Register to be kept current

- (a) an order made under this Act;
- (b) an order made under the *Residential Tenancies Act*;
- (c) a statutory increase permitted to be taken under this Act; and
- (d) a statutory increase that was permitted under Part XI of the *Residential Tenancies Act*.

R.S.O. 1980, c. 452

PART VI

RENT REGULATION

49. The rent charged for a rental unit shall not be increased unless a period of at least twelve months has elapsed since the date of the last rent increase.

Twelve-month period between rent increases

50.—(1) Unless otherwise authorized under this Act, no landlord shall increase the rent charged for a rental unit,

Maximum increase without application

- (a) to take effect on or after the 1st day of August, 1985, and before the 1st day of January, 1987, by more than 4 per cent; and
- (b) to take effect on or after the 1st day of January, 1987, and to take effect on and after the 1st day of January in each subsequent year, by more than such percentage as is calculated in accordance with a prescribed schedule,

of the last rent that was charged for the rental unit for an equivalent rental period.

Application

(2) A landlord may increase the rent charged for a rental unit by more than the amount permitted in subsection (1) without making an application under section 52 provided that the increased rent is not higher than the maximum rent as of the date the rent increase takes effect.

Application

51.—(1) This section applies only to rental units that, before the repeal of clauses 134 (1) (c), (d) and (e) of the *Residential Tenancies Act* by section 84 of this Act, were exempt from Part XI of that Act.

R.S.O. 1980,
c. 452

Notice
deemed
for
4 per cent

(2) A notice of rent increase to increase the rent charged for a rental unit by more than 4 per cent of the last rent that was charged for an equivalent rental period given before this section comes into force to take effect on or after the 1st day of August, 1985 shall be deemed to be for an increase of 4 per cent except, that where an order of the Minister or the Board on an application under section 52 permits an increase other than 4 per cent, the notice of rent increase shall be deemed to be for the increase permitted by the order.

Landlord to
repay excess
rent or bring
application
under s. 52

(3) A landlord who has increased the rent charged for a rental unit by more than 4 per cent effective on or after the 1st day of August, 1985 shall, on or before the sixtieth day after the coming into force of this section,

- (a) pay to the tenant of the rental unit the amount of the rent paid by the tenant that is in excess of a 4 per cent increase; or
- (b) apply to the Minister under section 52 (whole building review) even though the time for making such an application set out in subsection 52 (1) has expired.

Maximum
rent
increase

(4) In an application under section 52 as provided for in clause (3) (b), the Minister shall, in making an order under section 53, set the maximum rent that may be charged for each rental unit that is under review that does not exceed the increased rent specified by the landlord in a notice of rent increase mentioned in subsection (2).

Application
in respect of
previously
exempt units

(5) Where,

- (a) before the day this section comes into force, the Residential Tenancy Commission has made an order setting the maximum rents that may be

charged for rental units in a residential complex pursuant to an application under section 126 of the *Residential Tenancies Act*; and

R.S.O. 1980,
c. 452

- (b) in respect of one or more rental units in the residential complex, the order did not set the maximum rents that may be charged for those rental units because the monthly rental was \$750 or more before the effective date of the first rent increase permitted by the order,

the landlord of the residential complex may apply to the Minister under section 52 only in respect of all the units described in clause (b), the rent for which was increased by more than 4 per cent on or after the 1st day of August, 1985 and before twelve months elapsed from the effective date of the first rent increase permitted by the order mentioned in clause (a), and the Minister has jurisdiction to consider the application and to set the maximum rents that may be charged notwithstanding that not all of the rental units in the residential complex are included in the application.

(6) In making an order setting the maximum rents that may be charged for the rental units included in an application made under subsection (5), the Minister shall apply the total rent increase percentage previously determined by the Residential Tenancy Commission and applied by it in setting the maximum rents in the order described in clause (5) (a).

Order of
Minister

(7) Where a landlord fails to comply with clause (3) (a) or (b), the tenant may,

Where
landlord
fails to
comply
with cl.
(3) (a)
or (b)

- (a) deduct the amount of the rent paid by the tenant that is in excess of a 4 per cent increase from a subsequent rent payment and so continue until the full amount of the excess rent has been satisfied; or
- (b) make an application to the Minister under subsection 56 (2).

52.—(1) Where a landlord desires to increase the rent charged for a rental unit by more than the percentage referred to in subsection 50 (1), the landlord may apply to the Minister in the prescribed form at least ninety days before the effective date of the first intended rent increase for an order permitting the landlord to do so, whether or not the rental unit is the subject of a tenancy agreement at the time of application.

Application
by landlord

(2) When the landlord applies to the Minister under subsection (1), the landlord shall, as part of the same application,

Whole
building
review

apply for a determination of the rents that may be charged for all of the rental units in the residential complex in which the units are situate when such units are rented or re-rented during the twelve-month period following the effective date of the first rent increase applied for, whether or not those units are the subject of tenancy agreements at the time of application.

Filing of
cost revenue
statement

(3) The landlord shall file with the Minister a cost revenue statement in the prescribed form together with all documents that the landlord relies upon in support of the application and such other material as may be prescribed not later than seventy days before the effective date of the first rent increase applied for.

Extension of
filing date

(4) The Minister may extend the date of filing specified in subsection (3) for such period of time and on such terms and conditions as the Minister may in his or her discretion allow.

Inspection

(5) Any party to the application may inspect the cost revenue statement and the material filed in respect of the application and may in writing submit representations in respect of the application and the material filed therewith not later than fifty days before the effective date of the first rent increase applied for or such later date as the Minister may in his or her discretion allow.

Extension
of time

(6) Where the Minister extends the date for filing under subsection (4), the Minister shall notify each of the tenants affected by the application of the extended filing date and the tenant shall be permitted twenty days from the extended filing date to submit written representations as provided for in subsection (5).

Determina-
tion
by Minister
of total
rent increase

53.—(1) Where an application is made by a landlord to the Minister under section 52, the Minister shall determine the total rent increase for the residential complex that is justified by,

- (a) the prescribed allowances for increases in operating costs;
- (b) the findings of the Minister concerning financing costs, capital expenditures and extraordinary operating costs that the landlord has experienced or will experience in respect of the residential complex;
- (c) the findings of the Minister concerning a financial loss that the landlord has experienced or will experience in respect of the residential complex;

- (d) the findings of the Minister concerning a change in the services and facilities provided or in the standard of maintenance and repair in respect of the residential complex or any rental unit located therein;
- (e) in respect of a residential complex no part of which was occupied as a rental unit before the 1st day of January, 1976, the prescribed rate of return on the landlord's initial invested equity and capitalized losses as defined in the regulations;
- (f) the findings of the Minister concerning financing costs no longer borne by the landlord and which were previously allowed in determining rent increases under this Act or the *Residential Tenancies Act*;
- (g) the findings of the Minister concerning matters prescribed by the regulations.

R.S.O. 1980,
c. 452

(2) In making findings concerning financing costs under clause (1) (b), the Minister shall consider increases in financing costs resulting from the landlord's purchase of the residential complex only to the extent necessary to prevent a financial loss by the landlord.

Limitation on
consideration
of financing
costs

(3) When the total rent increase for the residential complex has been determined under subsection (1), if the resulting gross revenue does not exceed the costs found under clauses (1) (a) and (b) by at least 2 per cent, the Minister may, where he or she considers it necessary to relieve the landlord from hardship, allow the landlord the additional revenue required to raise the gross revenue to not more than 2 per cent above the costs found.

Relief of
hardship

(4) Subsection (3) does not apply where the Minister allows a financial loss arising out of the circumstances set out in subsections (2) and (5).

Where
subs. (3)
does not
apply

(5) Where a landlord claims a financial loss arising out of an increase in the financing costs of the residential complex resulting from a purchase or purchases of the residential complex, the Minister, when determining the total rent increase for the residential complex, shall allow in the initial year (as the component of the total increase in rent determined by the Minister that is attributable to such increase in financing costs) not more than 5 per cent of the total of the last lawful rents that were charged for the residential complex and in subsequent years, where the financial loss is carried forward as a

Limit on rent
increase
attributable
to
increased
financing
costs
resulting
from
purchase of
residential
complex

claim, the amount allowed in respect thereof by the Minister in any such year shall not exceed 5 per cent of the total of the last lawful rents that were charged for the residential complex.

Interpretation (6) For the purposes of subsections (2) and (5), "purchase" means the acquisition of a residential complex, after the 31st day of December, 1979, by any means whatsoever and includes the acquisition, whether by way of transfer, assignment or otherwise, of an interest, in whole or in part, in an option to purchase or in any agreement to purchase a residential complex.

Allowance of interest (7) In making findings concerning capital expenditures under clause (1) (b), the Minister shall allow interest on the expenditure, when financed by borrowing, either at the actual rate paid or at the rate calculated in the manner prescribed or when financed out of the landlord's own funds, at the rate calculated in the manner prescribed.

Apportionment of total rent increase (8) In apportioning the total rent increase amongst the rental units in the residential complex, the Minister may take into account the following matters:

1. The rent schedule proposed by the landlord's application.
2. Variations, and the reasons therefor, in the rents being charged by the landlord for similar rental units within the residential complex.
3. The matters prescribed by regulation.

Equalization of rents (9) In apportioning the total rent increase under subsection (8), the Minister shall set the maximum rent that may be charged for a rental unit so that the landlord may achieve equalization of rents charged for similar rental units within the residential complex over a period of five years.

Idem (10) Notwithstanding subsection (9), the Minister may apportion the rent increase to achieve immediate equalization of the rents charged for similar rental units where the amount of rent increase required for equalization does not exceed the prescribed amount.

Order re maximum rent chargeable for each unit (11) Where the Minister has determined and apportioned the total rent increase under this section,

- (a) the Minister shall order the maximum rent that may be charged for each rental unit in the residential

complex that is under review and the earliest date that each may take effect; and

- (b) the Minister may order that the landlord or tenant pay to the other any sum of money that is owed to the other by reason of the order of the Minister setting the maximum rent for a rental unit.

(12) Where a landlord has applied for a rent increase greater than the amount permitted by subsection 50 (1), the Minister may, if his or her findings so justify, allow a rent increase of less than the amount permitted by subsection 50 (1).

Minister may
order
increase
less than
statutory
increase

(13) In any application under this Part, the Minister may, if his or her findings so justify, order a decrease in the total rent that may be charged for a residential complex or a decrease in the rent that may be charged for any rental unit in the residential complex.

Minister may
order
decrease
in rent

54.—(1) With the authorization in writing of the tenants of not less than,

Application
by tenants
for reduction
of rents

- (a) 50 per cent in number of the rental units in a residential complex, containing twenty or fewer rental units; or
- (b) 25 per cent in number of the rental units in a residential complex containing twenty-one or more rental units,

an application in the prescribed form may be made to the Minister by the tenants requesting a reduction of rents in respect of the residential complex.

(2) An application may be brought under subsection (1) only for the purpose of reducing an increase in rents previously ordered by the Minister or ordered by the Board under this Act or by the Residential Tenancy Commission under the *Residential Tenancies Act* for the residential complex because of an increase in financing costs that are no longer borne by the landlord at the time the application is made.

Purpose of
application

R.S.O. 1980.
c. 452

(3) An application under this section may be made not less than 120 days before the anniversary of the effective date of the first rent increase ordered in an application under section 52 (whole building review) or section 126 of the *Residential Tenancies Act*.

Time for
bringing
application

Contents of application

(4) The application shall specify the specific financing cost or costs that it is alleged are no longer borne and that justifies a reduction in the total rent for the residential complex.

Notice to landlord

(5) On receipt of the tenants' application, the Minister shall notify the landlord in writing of receipt of the application.

Landlord may apply under s. 52

(6) On receipt of notice of the tenants' application, the landlord may make an application under section 52 not less than ninety days before the anniversary of the effective date of the first rent increase previously ordered in respect of the residential complex.

Where application made for whole building review

(7) Where the landlord makes an application under section 52 within the time specified in subsection (6), the requested reduction of rent application will be considered and determined together with the application for whole building review.

When Minister to consider application

(8) Where the landlord does not make an application under section 52 within the time specified in subsection (6), the Minister shall consider the application made under subsection (1).

Determination of rent decrease by Minister

(9) After considering the application, the material and information filed and the written representations submitted by any party to the application, the Minister shall determine the total rent decrease for the residential complex that the Minister finds justified by the financing costs that are no longer borne.

Apportionment of decrease

(10) The Minister shall apportion the total rent decrease determined under subsection (9) amongst the rental units on an equal percentage basis.

Order of Minister

(11) Where the Minister has apportioned the rent decrease under subsection (10), the Minister,

(a) shall order the rent decrease for each rental unit in the residential complex and declare the maximum rent that may be charged for each rental unit; and

(b) may order the landlord to pay to a tenant any sum of money that is owed to the tenant by reason of the order.

Effective date of order

(12) An order made under subsection (11) shall take effect as of the date of the tenants' application to the Minister under subsection (1).

Application by tenant disputing intended rent increase

55.—(1) A tenant who desires to dispute an intended rent increase for his or her rental unit that does not exceed the

amount that the landlord is permitted to charge under subsection 50 (1) may make an application to the Minister for an order requiring the landlord to reduce the amount of the rent increase.

(2) Subsection (1) does not apply to a rent increase that results in a rent not exceeding the maximum permitted by an order by the Minister or the Board for the applicable rental unit. Exception

(3) An application under this section shall be made not less than sixty days before the effective date of the intended rent increase. Time for application

(4) Where an application is made by a tenant under this section, in determining a rent increase for the rental unit, the Minister shall, except where there has been an application under section 52 (whole building review), consider only the following matters: Considerations where tenant applies

1. Variations and the reasons therefor in the rent being charged by the landlord for similar rental units within the residential complex.
2. Rents being charged by other landlords for similar rental units situate in similar residential complexes within the same geographical vicinity.
3. A change shown to have occurred in the standard of maintenance and repair or in the services and facilities provided that affects the rental unit.

(5) Where the Minister has made a determination on the application, Order setting maximum rent chargeable for the unit

- (a) the Minister shall make an order setting the maximum rent that may be charged for the rental unit under review; and
- (b) the Minister may order the landlord or tenant to pay to the other any sum of money that is owed to the other by reason of the decision of the Minister setting the maximum rent for the rental unit.

56.—(1) No tenant is liable to pay any rent increase in excess of that permitted to be charged under this Part. Tenant not liable to pay illegal rent increase

(2) Where, on the application of a tenant, the Minister determines that the tenant has paid an amount of rent that is Remedy

R.S.O. 1980,
c. 452
1975
(2nd Sess.),
c. 12

in excess of that permitted by this Part or Part XI of the *Residential Tenancies Act* or by *The Residential Premises Rent Review Act, 1975 (2nd Session)*, the Minister shall order the landlord to whom the excess rent was paid to pay the excess to the tenant and shall declare the maximum rent that may be charged for the rental unit concerned.

Where excess
rent not to
be repaid

(3) Notwithstanding subsection (2), the Minister shall not make an order for the payment of excess rent charged for a rental unit prior to the 1st day of August, 1985, where the sum of the excess rent and the lawful rent for the rental unit does not exceed the rent that could have been charged for the rental unit in the period when the excess rent was paid if to the amount charged for the rental unit on the 29th day of July, 1975, or at any time thereafter, is added all increases permitted under *The Residential Premises Rent Review Act, 1975 (2nd Session)* and the *Residential Tenancies Act*.

1975 (2nd
Sess.), c.
12 R.S.O.
1980, c. 452

Limitation

(4) No application shall be brought under subsection (2) after the expiration of six years from the time the excess rent is alleged to have been paid.

Where vacant
unit becomes
rented

57. Where a rental unit that was previously rented has not been rented for a period of twelve months or more then becomes rented, the maximum rent shall be the amount the landlord would have been entitled to charge if the unit had been rented during that period and the landlord had given notice or notices of rent increase in the amount permitted by this Act.

Where rental
unit rented
for first time

58. Where a rental unit in a residential complex is rented for the first time, the rent charged by the landlord shall be deemed to be the maximum rent for that unit.

Filing of
documents
by tenant

59.—(1) Where a tenant makes an application under section 47, 54, 55 or 56, the tenant shall, not later than fifteen days from the date of making the application, file with the Minister the documents and material the tenant relies upon in support of the application and such other material as may be prescribed.

Extension of
time for
filing

(2) The Minister may extend the date of filing set out in subsection (1) for such period of time and upon such terms and conditions as the Minister may allow.

Inspection
and
submission of
representations

(3) Any party to an application referred to in subsection (1) may inspect the application and the documents and material filed in respect thereof and may in writing submit representations in respect of the application and the material filed there-

with not later than thirty days from the date of making the application, or such later date as the Minister may allow.

(4) Where the Minister under subsection (2) extends the date for filing, the Minister shall notify the landlord affected by the application of the extended filing date and the landlord shall be permitted fifteen days from the extended filing date to submit written representations as provided for in subsection (3).

Effect of
extension
of time

60. The Minister may at any time in his or her discretion refer any application made to the Minister to the Board and the Board in such case shall hear and determine the application as though it were an appeal under Part VII.

Referral of
application
to Board

61. The Minister in respect of any application under this Act may,

Minister may
investigate,
etc.

(a) conduct any enquiry or inspection the Minister considers necessary; and

(b) question any person, by telephone or otherwise.

62.—(1) In making any determination in an application under this Act, the Minister,

Matters to be
considered
by Minister

(a) shall consider any documents, material and written representations submitted in respect of the application; and

(b) may consider any relevant information obtained by the Minister in addition to the information referred to in clause (a), provided that the Minister first informs the parties adversely affected of the additional information and gives them an opportunity to explain or refute it.

(2) Where the Minister is required under subsection (1) to consider any written representations, the Minister shall ensure that the parties have been afforded an adequate opportunity to review the written representations and to submit written representations by way of reply thereto.

Opportunity
to review
and
submit
written
representations

63. Where an application is made to the Minister under this Act, the Minister is not required to hold a hearing in respect of the application and the *Statutory Powers Procedure Act* does not apply to the Minister in the exercise of a statutory power of decision under this Act.

Non-
application
of
R.S.O. 1980,
c. 484

Order of
Minister
final

64.—(1) An order made by the Minister under this Act, subject to Part VII, is final, binding and not subject to review and shall take effect and is enforceable according to its terms from the date it is made.

Copy of
order

(2) Where the Minister makes an order under this Act, the Minister shall forthwith give a copy of the order to each of the parties to the application.

PART VII

APPEALS

Appeal from
order of
Minister

65.—(1) A landlord or a tenant may, within thirty days of the giving of the order of the Minister, appeal any order of the Minister made under this Act by filing a notice or notices of appeal in the prescribed form with the Board, together with,

- (a) any documents that the party appealing relies upon in support of the appeal and which were not filed with the Minister on the application; and
- (b) the fee determined in accordance with the prescribed schedule.

Fees

(2) The Board may, where in its opinion the payment of the fee would constitute a hardship to the person appealing, waive the requirement or require the payment of such lesser fee as to the Board seems appropriate in the circumstances.

Record

(3) Where a notice of appeal is filed with the Board under subsection (1), a copy of the notice shall be given by the Board to the Minister who shall thereupon forward to the Board,

- (a) the original or a true copy of the application;
- (b) the original or a true copy of all documents and material filed in respect of the application; and
- (c) a certified copy of the order appealed from.

Where
appeal
not to be
proceeded
with

(4) The Board shall not proceed with an appeal by a tenant or tenants from an order made on an application under section 54 (cost no longer borne) unless the appeal is authorized in writing by not less than the same percentage of tenants as were required to authorize the application under that section.

(5) The parties to an appeal from an order made on an application under section 52 (whole building review) are the landlord and, Parties

(a) where an appeal is authorized in writing by a tenant from each of not less than 25 per cent of the total number of rental units in the residential complex, all the tenants of rental units in the residential complex; and

(b) where an appeal is not authorized in writing by at least 25 per cent of the total number of rental units in the residential complex, that tenant who has made, or those tenants who have authorized, the appeal.

(6) Where any person has filed a notice of appeal, the other parties to the appeal shall, within thirty days of the filing of the notice of appeal, file with the Board the documents and materials that the parties intend to rely upon at the hearing of the appeal. Filing of documents, etc., by respondent

(7) After receiving a notice of appeal under subsection (1), the Board shall give a notice to the parties stating the date, place and time when the appeal will be heard. Notice to parties

(8) Where several different appeals have been made to the Board, and the Board is of the opinion that it would be appropriate to determine the issues raised by the appeals together, the Board may hear and determine the issues in dispute at a common hearing. Issues may be heard together

(9) Where the Board is of the opinion that it would be appropriate to deal with some of the issues raised by an appeal at separate hearings, the Board may direct that some of the issues be dealt with separately and may set additional hearing dates for the determination of those issues. Issues may be heard separately

66. The Board shall conduct a hearing under this Part as a hearing *de novo*. Hearing *de novo*

67.—(1) The *Statutory Powers Procedure Act* applies to proceedings by the Board in the exercise of a statutory power of decision. Application of R.S.O. 1980, c. 484

(2) The giving to a party of a copy of a notice of appeal to the Board shall be deemed to be compliance with section 8 of the *Statutory Powers Procedure Act*. Deemed compliance
R.S.O. 1980, c. 484

Procedure
R.S.O. 1980,
c. 484

68. Subject to the provisions of the *Statutory Powers Procedure Act*, and except as otherwise provided for by this Act, the Board may determine its own procedure for the conduct of hearings.

Matters
Board
to consider

69.—(1) In addition to any material, evidence or information submitted to the Board on an appeal, in hearing any appeal, the Board may consider,

- (a) any matter the Minister was entitled to consider on the application;
- (b) any material, and documents submitted to the Minister on the application; and
- (c) such other matters as it deems necessary or advisable for the purpose of dealing with the appeal.

Board may
investigate,
etc.

(2) The Board, in respect of any appeal, may,

- (a) conduct any enquiry or inspection that it considers necessary; and
- (b) question any person by telephone or otherwise.

Additional
material

70. The Board may direct any party to the appeal to file additional material and the hearing shall not proceed until the other parties have had an opportunity to examine the additional material.

Board may
question
parties, etc.

71. At the hearing, the Board may question the parties who are in attendance at the hearing and any witnesses with a view to determining the truth concerning the matters in dispute.

Other
relevant
information

72. In making its determination, the Board may consider any relevant information obtained by the Board in addition to the evidence given at the hearing, provided that it first informs the parties of the additional information and gives them an opportunity to explain or refute it.

Order of
Board

73. Upon completion of a hearing, the Board shall by order,

- (a) affirm the order of the Minister;
- (b) vary the order of the Minister; or
- (c) substitute its own order for the order of the Minister,

and shall send copies of the order to the parties to the appeal.

74. Where, within one year of the date of an order of the Board the Board is of the opinion that there has been a serious error, the Board may, on its own motion, rehear any appeal and may affirm, rescind, amend or replace the order.

Power to
rehear

75. An order of a Board member shall be deemed to be an order of the Board.

Order of
member
deemed
order
of Board

76.—(1) The Board may at its discretion award costs in respect of an appeal and where the Board does so, it may fix the costs at a sum certain or direct that they be assessed.

Costs

(2) The Board may order by whom and to whom the costs are to be paid, and by whom the costs are to be assessed.

Assessment

77.—(1) Any party to an appeal under section 65 may, on a question of law, appeal an order of the Board to the Divisional Court.

Appeal to
Divisional
Court

(2) The Board is entitled to be heard by counsel or otherwise upon the argument on any issue in an appeal under this section.

Board
entitled to
be heard on
appeal

(3) Where an appeal is brought under subsection (1), the Divisional Court shall hear and determine the appeal and may,

Power of
Divisional
Court on
appeal

(a) affirm, rescind, amend or replace the decision or order; or

(b) remit the matter to the Board with the opinion of the Divisional Court,

and may make,

(c) any other order in relation to the matter that it considers proper; and

(d) any order, with respect to costs, that it considers proper.

78. An appeal from an order of the Minister or the Board does not stay the order pending the hearing of the appeal.

Orders not
stayed
pending
appeal

PART VIII

MISCELLANEOUS

Regulations

79. The Lieutenant Governor in Council may make regulations,

- (a) prescribing, for the purposes of section 5, the form of the notice of a rent increase;
- (b) prescribing forms of applications to the Minister and material to be furnished therewith;
- (c) prescribing the form of a notice of appeal to the Board;
- (d) prescribing, for the purposes of section 41, fees for the furnishing of copies of forms, notices or documents;
- (e) prescribing, for the purposes of clause 42 (b), the actual rent date;
- (f) prescribing, for the purposes of clause 43 (b), the date of the application of Part V;
- (g) prescribing, for the purposes of subsection 44 (2), the form of a request for information from the rent registry;
- (h) prescribing, for the purposes of subsection 44 (3), fees for the furnishing of information from the rent registry;
- (i) prescribing, for the purposes of subsection 45 (1), the form of the statement to be filed and the information to be contained therein;
- (j) prescribing, for the purposes of subsection 45 (5) the day on or before which a statement shall be filed;
- (k) prescribing a schedule for the calculation of the percentage referred to in clause 50 (1) (b);
- (l) prescribing procedural rules and administrative policies to be observed in the interpretation and application of this Act;

- (m) prescribing, for the purposes of clause 53 (1) (a), the allowances for increases in operating costs;
- (n) prescribing, for the purposes of clause 53 (1) (e), the rate of return on invested equity and capitalized losses and defining the meaning of the expressions;
- (o) prescribing, for the purposes of clause 53 (1) (g), matters in respect of which the Minister may make findings;
- (p) prescribing, for the purposes of subsection 53 (7), the manner of calculating interest rates;
- (q) prescribing, for the purposes of paragraph 3 of subsection 53 (8), matters to be taken into account by the Minister;
- (r) prescribing, for the purposes of subsection 53 (10), the maximum amount of rent increase for equalization;
- (s) prescribing, for the purposes of subsection 65 (1), a schedule of fees to be paid on an appeal;
- (t) prescribing the form of a cost revenue statement;
- (u) prescribing anything that by this Act may be prescribed.

80. Substantial compliance with the requirements of this Act respecting the contents of forms, notices or documents is sufficient unless the Minister or the Board, as the case may be, is of the opinion that it would result in unfairness to any person.

Substantial compliance with forms, etc., sufficient

81. Any person may, without let or hindrance, organize or participate in an association the purpose of which is to secure and enforce the rights established by this Act.

Right to organize or participate in association

82.—(1) Any person who,

Offences

- (a) knowingly fails to obey an order of the Minister or the Board;
- (b) knowingly furnishes false or misleading information in any application, document, written representation or statement to the Minister under this Act or in any proceedings before the Board;

- (c) increases the rent charged for a rental unit where less than twelve months has elapsed since the date of the last rent increase;
- (d) increases the rent charged for a rental unit by more than the amount referred to in subsection 50 (1) unless authorized by the Minister or the Board to do so;
- (e) charges a higher rent for a rental unit than that permitted under an order of the Minister or the Board; or
- (f) fails to file a statement with the Minister in respect of the rent registry,

and every director or officer of a corporation who knowingly concurs in the prohibited act is guilty of an offence and on conviction is liable to a fine not exceeding \$2,000.

Where
corporation
convicted

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided in subsection (1).

Limitation

(3) Proceedings shall not be commenced, in respect of an offence under subsection (1), after one year after the date on which the offence was, or is alleged to have been, committed.

Moneys

83. The moneys required for administration of this Act shall, until the 31st day of March, 1986, be paid out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

84. Clauses 134 (1) (c), (d) and (e) of the *Residential Tenancies Act*, being chapter 452 of the Revised Statutes of Ontario, 1980, are repealed.

85. The following are repealed:

1. *Residential Complexes Financing Costs Restraint Act, 1982*, being chapter 59.
2. *Residential Complexes Financing Costs Restraint Amendment Act, 1983*, being chapter 69.
3. *Residential Complexes Financing Costs Restraint Amendment Act, 1984*, being chapter 65.

4. Sections 60, 61, 70 to 73, 75 to 110, 114, 115, 117, 118, 120 to 134 and subsection 135 (2) of the *Residential Tenancies Act*, being chapter 452 of the Revised Statutes of Ontario, 1980.

86.—(1) Despite the repeal of the provisions of the *Residential Tenancies Act* mentioned in paragraph 4 of section 85, those provisions shall be deemed to be continued in force for the purposes only of continuing and finally disposing of the following matters, and the matters referred to in clause (2) (a):

Certain provisions of R.S.O. 1980, c. 452 deemed continued in force for certain purposes

1. An application made under section 126 of the *Residential Tenancies Act* before the 1st day of August, 1985, where the effective date of the first rent increase applied for is before the 1st day of August, 1985.
2. An application made under section 127 of the *Residential Tenancies Act* before the 1st day of August, 1985, where the effective date of the disputed intended rent increase is before the 1st day of August, 1985.
3. An application made under subsection 129 (2) of the *Residential Tenancies Act* before the 1st day of August, 1985.

(2) An application made under section 126 or 127 or subsection 129 (2) of the *Residential Tenancies Act* made on or after the 1st day of August, 1985, and before the day this section comes into force may, at the written election of the applicant, either,

Election to proceed under R.S.O. 1980, c. 452 or this Act

- (a) be continued and finally disposed of under the provisions of the *Residential Tenancies Act*; or
- (b) be continued and finally disposed of as an application made under the corresponding provisions of this Act.

(3) For the purposes only of subsection (1) and clause (2) (a), the Residential Tenancy Commission shall continue and has all the powers and jurisdiction conferred on it by the *Residential Tenancies Act*, and for that purpose all appointments of Commissioners and Appeal Commissioners and designations of Commissioners as members of the Board of Commissioners are confirmed and continued until a day to be named by proclamation of the Lieutenant Governor.

Residential Tenancy Commission continued for certain purposes

Commence-
ment

87.—(1) This Act, except subsection 50 (1) and section 84, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Subsection 50 (1) and section 84 shall be deemed to have come into force on the 1st day of August, 1985.

Short title

88. The short title of this Act is the *Residential Rent Regulation Act, 1986*.

ON

56

Bill 79

An Act to amend the Municipal Act

The Hon. B. Grandmaître
Minister of Municipal Affairs



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

Section 112 of the Act prohibits bonuses in aid of any manufacturing business or of any industrial or commercial enterprise. The proposed re-enactment of section 112 continues the prohibition and sets out four specific types of financial assistance that are prohibited.

The proposed section 112a will permit municipalities to establish programs to counsel small businesses in the municipality and to encourage new small businesses in the municipality.

Bill 79

1986

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 112 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

112. Notwithstanding any general or special Act, a council shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses in aid thereof, and, without restricting the generality of the foregoing, the council shall not grant assistance by,

Assistance
prohibited

- (a) giving or lending any property of the municipality, including money;
- (b) guaranteeing borrowing;
- (c) leasing or selling any property of the municipality at below fair market value;
- (d) giving a total or partial exemption from any levy, charge or fee.

112a.—(1) Notwithstanding section 112, the council of a municipality may provide for the establishment of a counselling service to small businesses operating or proposing to operate in the municipality.

Small
business
counselling

(2) The council of a municipality,

Small
business
programs

- (a) with the approval of the Lieutenant Governor in Council, may establish and maintain one or more programs to encourage the establishment and initial growth of small businesses, or any class thereof, in the municipality; and

- (b) may participate in programs established and administered by the Ministry of Industry, Trade and Technology to encourage the establishment and initial growth of small businesses, or any class thereof, in the municipality.

Idem

(3) The council of a municipality may enter agreements with the Minister of Industry, Trade and Technology with respect to the financing and operation of programs referred to in subsection (2).

Acquisition
and leasing
of
land, etc.

(4) For the purposes of a program referred to in subsection (2), the council of the municipality, subject to the regulations and the terms and conditions of any agreement under subsection (3),

- (a) may acquire land and erect and improve buildings and structures for the purpose of providing leased premises for eligible small businesses or that will be leased to a corporation described in clause (d);
- (b) may make grants to corporations described in clause (d) notwithstanding section 112;
- (c) may enter into leases of real property with small businesses included in a program referred to in subsection (2);
- (d) may enter leases of real property and other agreements related to the establishment and operation of the program with a corporation without share capital established for the purposes of encouraging the establishment and initial growth of small businesses, or any class thereof, in the municipality;
- (e) may sell, lease or otherwise dispose of any of the personal property of the municipality to any eligible small business or to a corporation described in clause (d) or may provide for the use thereof by any such small business or corporation;
- (f) may provide for the use of the services of any of the employees of the municipality by any eligible small business or by a corporation described in clause (d); and
- (g) may establish a local board to administer a program established under clause (2) (a) or to administer the municipality's participation in a program referred to in clause (2) (b).

(5) Where a corporation described in clause (4) (d) leases any building or structure from a municipality, it shall use the building or structure for the purpose of providing leased premises to small businesses included in a program referred to in subsection (2). Idem

(6) Notwithstanding section 112, a lease, disposition of property or use of property or services of employees of the municipality by an eligible small business or a corporation described in clause (4) (d) may be made or provided for at less than fair market value but this subsection ceases to apply to an eligible small business at the end of thirty-six months following the day it first occupies premises leased to it under this section. Availability of assistance

(7) The following provisions apply to a local board established under clause (4) (g): Local board

1. The local board is a body corporate and shall consist of such number of members as the council of the municipality may determine.
2. A person is disqualified from being a member of the local board unless the person is qualified to be elected as a member of the council of the municipality.
3. Members shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed and are eligible for reappointment.
4. Upon the coming into force of the by-law establishing the local board, all the powers, rights, authorities and privileges conferred and the duties imposed on the council of the municipality by subsections (1) and (2), clauses (4) (a) to (f) and the regulations and any agreement under subsection (3) shall be exercised by the local board but subject to such limitations as the by-law may provide.
5. The local board shall submit to the council of the municipality its estimates for the current year at the time and in the form prescribed by council and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to providing the money for the purposes of the local board and, when money is so provided by the council, the treasurer of the muni-

pality shall, upon the certificate of the local board, pay out such money.

6. On or before the 1st day of March in each year, the local board shall submit its annual report for the preceding year to council including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.
7. The municipal auditor shall be the auditor of the local board and all books, documents, transactions, minutes and accounts of the local board shall, at all times, be open to the auditor's inspection.
8. The power, right, authority and privilege of the council to raise money by the issue of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to the local board.
9. Upon the repeal of the by-law establishing the local board, the local board ceases to exist and its undertaking, documents, assets and liabilities shall be assumed by the municipality.

Regulations

(8) The Lieutenant Governor in Council may make regulations,

- (a) prescribing maximum amounts that may be expended by municipalities or any particular municipality under a program referred to in subsection (2);
- (b) defining "small business" for the purposes of this section.

Definitions

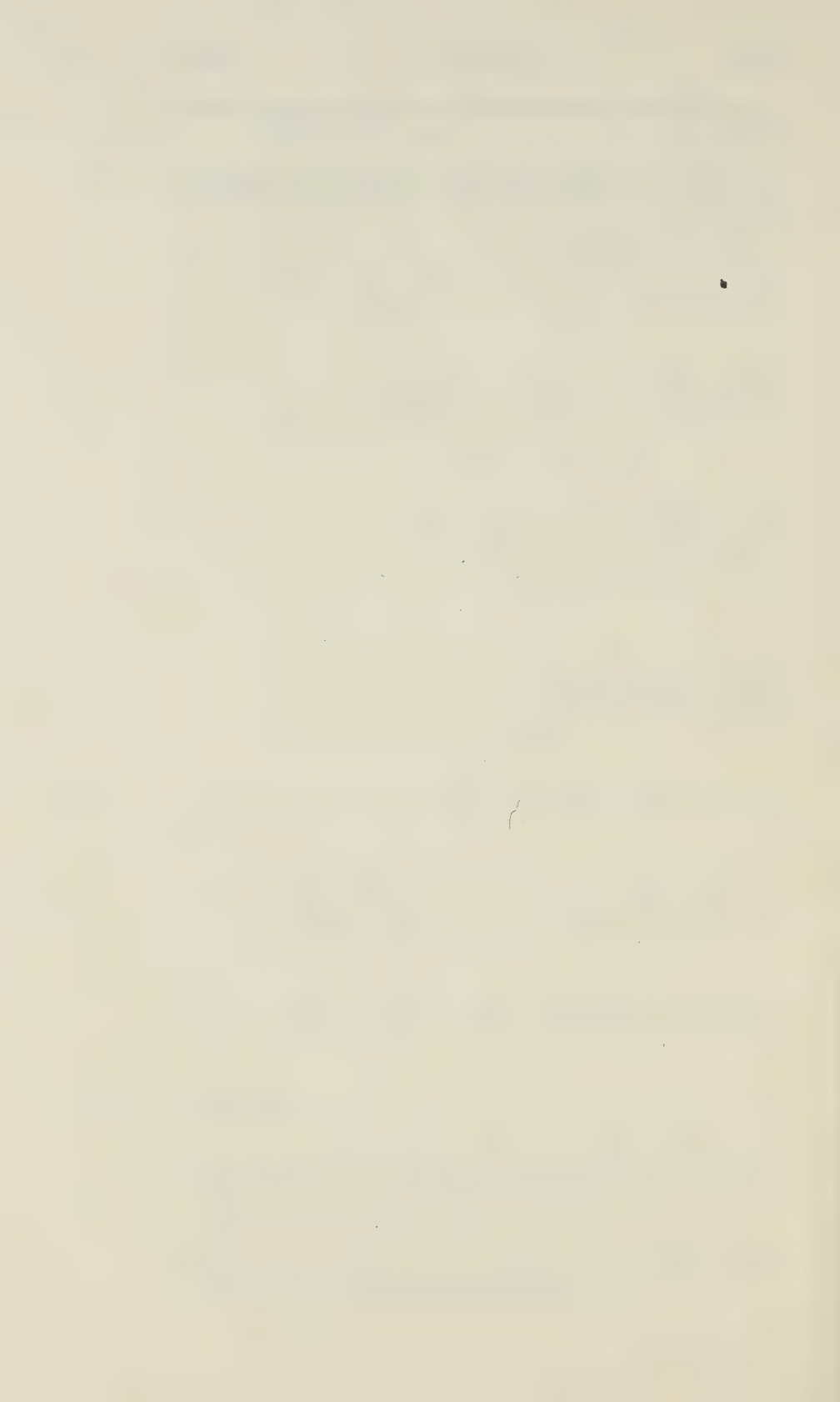
(9) In this section,

"eligible small business" means a small business included in a program referred to in subsection (2) that is in occupation of premises leased to it under this section;

"municipality" includes a metropolitan, regional and district municipality and the County of Oxford.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *Municipal Amendment Act, 1986*. Short title



Bill 79

An Act to amend the Municipal Act

The Hon. B. Grandmaître
Minister of Municipal Affairs



1st Reading April 22nd, 1986
2nd Reading June 26th, 1986
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

Section 112 of the Act prohibits bonuses in aid of any manufacturing business or of any industrial or commercial enterprise. The proposed re-enactment of section 112 continues the prohibition and sets out four specific types of financial assistance that are prohibited.

The proposed section 112a will permit municipalities to establish programs to counsel small businesses in the municipality and to encourage new small businesses in the municipality.

Bill 79

1986

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 112 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

112.—(1) Notwithstanding any general or special Act, a council shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses in aid thereof, and, without restricting the generality of the foregoing, the council shall not grant assistance by,

Assistance prohibited

- (a) giving or lending any property of the municipality, including money;
- (b) guaranteeing borrowing;
- (c) leasing or selling any property of the municipality at below fair market value;
- (d) giving a total or partial exemption from any levy, charge or fee.

(2) Subsection (1) does not apply to a council that is exercising any of its power or authority under subsection 28 (6) or (7) of the *Planning Act*, 1983 where the power or authority is exercised with the approval of the Minister.

Exception

1983, c. 1

112a.—(1) Notwithstanding section 112, the council of a municipality may provide for the establishment of a counselling service to small businesses operating or proposing to operate in the municipality.

Small business counselling

- (2) The council of a municipality,

Small business programs

- (a) with the approval of the Lieutenant Governor in Council, may establish and maintain one or more programs to encourage the establishment and initial growth of small businesses, or any class thereof, in the municipality; and
- (b) may participate in programs established and administered by the Ministry of Industry, Trade and Technology to encourage the establishment and initial growth of small businesses, or any class thereof, in the municipality.

Idem

(3) The council of a municipality may enter agreements with the Minister of Industry, Trade and Technology with respect to the financing and operation of programs referred to in subsection (2).


Acquisition
and leasing
of
land, etc.

(4) For the purposes of a program referred to in subsection (2), the council of the municipality, subject to the regulations and the terms and conditions of any agreement under subsection (3),


- (a) may acquire land and erect and improve buildings and structures for the purpose of providing leased premises for eligible small businesses or that will be leased to a corporation described in clause (d);
- (b) may make grants to corporations described in clause (d) notwithstanding section 112;
- (c) may enter into leases of real property with small businesses included in a program referred to in subsection (2);
- (d) may enter into leases of real property and other agreements related to the establishment and operation of the program with a corporation without share capital established for the purposes of encouraging the establishment and initial growth of small businesses, or any class thereof, in the municipality;
- (e) may sell, lease or otherwise dispose of any of the personal property of the municipality to any eligible small business or to a corporation described in clause (d) or may provide for the use thereof by any such small business or corporation;
- (f) may provide for the use of the services of any of the employees of the municipality by any eligible small business or by a corporation described in clause (d);

(g) may establish a local board to administer a program established under clause (2) (a) or to administer the municipality's participation in a program referred to in clause (2) (b);

(h) may appoint one or more of the directors of a corporation described in clause (d); and

(i) may apply, under the *Corporations Act*, for letters patent incorporating a corporation described in clause (d) having such objects and powers as may be approved by the Minister. 

R.S.O. 1980,
c. 95

(5) Where a corporation described in clause (4) (d) leases any building or structure from a municipality, it shall use the building or structure for the purpose of providing leased premises to small businesses included in a program referred to in subsection (2). 

Idem


(6) Notwithstanding section 112,

Availability
of assistance

(a) a lease of real property under clause (4) (c) or (d) or subsection (5);

(b) a sale, lease or other disposition of personal property under clause (4) (e); or

(c) the use of personal property or the services of employees of a municipality pursuant to clauses (4) (e) and (f),

may be made or provided for at less than fair market value but this subsection ceases to apply to an eligible small business at the end of thirty-six months following the day it first occupies premises leased to it under this section. 

(7) The following provisions apply to a local board established under clause (4) (g):

Local board

1. The local board is a body corporate and shall consist of such number of members as the council of the municipality may determine.
2. A person is disqualified from being a member of the local board unless the person is qualified to be elected as a member of the council of the municipality.
3. Members shall hold office until the expiration of the term of the council that appointed them and until

their successors are appointed and are eligible for reappointment.

4. Upon the coming into force of the by-law establishing the local board, all the powers, rights, authorities and privileges conferred and the duties imposed on the council of the municipality by subsections (1) and (2), clauses (4) (a) to (f) and the regulations and any agreement under subsection (3) shall be exercised by the local board but subject to such limitations as the by-law may provide.
5. The local board shall submit to the council of the municipality its estimates for the current year at the time and in the form prescribed by council and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to providing the money for the purposes of the local board and, when money is so provided by the council, the treasurer of the municipality shall, upon the certificate of the local board, pay out such money.
6. On or before the 1st day of March in each year, the local board shall submit its annual report for the preceding year to council including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.
7. The municipal auditor shall be the auditor of the local board and all books, documents, transactions, minutes and accounts of the local board shall, at all times, be open to the auditor's inspection.
8. The power, right, authority and privilege of the council to raise money by the issue of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to the local board.
9. Upon the repeal of the by-law establishing the local board, the local board ceases to exist and its undertaking, documents, assets and liabilities shall be assumed by the municipality.

- (a) prescribing maximum amounts that may be expended by municipalities or any particular municipality under a program referred to in subsection (2);
- (b) defining “small business” for the purposes of this section.

(9) In this section,

Definitions

“eligible small business” means a small business included in a program referred to in subsection (2) that is in occupation of premises leased to it under this section;

“municipality” includes a metropolitan, regional and district municipality and the County of Oxford.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *Municipal Amendment Act, 1986*. Short title

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Bill 79

(Chapter 24
Statutes of Ontario, 1986)

An Act to amend the Municipal Act

The Hon. B. Grandmaître
Minister of Municipal Affairs



<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	June 26th, 1986
<i>3rd Reading</i>	July 3rd, 1986
<i>Royal Assent</i>	July 7th, 1986

Bill 79

1986

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 112 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

112.—(1) Notwithstanding any general or special Act, a council shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses in aid thereof, and, without restricting the generality of the foregoing, the council shall not grant assistance by, Assistance prohibited

- (a) giving or lending any property of the municipality, including money;
- (b) guaranteeing borrowing;
- (c) leasing or selling any property of the municipality at below fair market value;
- (d) giving a total or partial exemption from any levy, charge or fee.

(2) Subsection (1) does not apply to a council that is exercising any of its power or authority under subsection 28 (6) or (7) of the *Planning Act*, 1983 where the power or authority is exercised with the approval of the Minister. Exception
1983, c. 1

112a.—(1) Notwithstanding section 112, the council of a municipality may provide for the establishment of a counselling service to small businesses operating or proposing to operate in the municipality. Small business counselling

- (2) The council of a municipality, Small business programs

- (a) with the approval of the Lieutenant Governor in Council, may establish and maintain one or more programs to encourage the establishment and initial growth of small businesses, or any class thereof, in the municipality; and
- (b) may participate in programs established and administered by the Ministry of Industry, Trade and Technology to encourage the establishment and initial growth of small businesses, or any class thereof, in the municipality.

Idem

(3) The council of a municipality may enter agreements with the Minister of Industry, Trade and Technology with respect to the financing and operation of programs referred to in subsection (2).

Acquisition
and leasing
of
land, etc.

(4) For the purposes of a program referred to in subsection (2), the council of the municipality, subject to the regulations and the terms and conditions of any agreement under subsection (3),

- (a) may acquire land and erect and improve buildings and structures for the purpose of providing leased premises for eligible small businesses or that will be leased to a corporation described in clause (d);
- (b) may make grants to corporations described in clause (d) notwithstanding section 112;
- (c) may enter into leases of real property with small businesses included in a program referred to in subsection (2);
- (d) may enter into leases of real property and other agreements related to the establishment and operation of the program with a corporation without share capital established for the purposes of encouraging the establishment and initial growth of small businesses, or any class thereof, in the municipality;
- (e) may sell, lease or otherwise dispose of any of the personal property of the municipality to any eligible small business or to a corporation described in clause (d) or may provide for the use thereof by any such small business or corporation;
- (f) may provide for the use of the services of any of the employees of the municipality by any eligible small business or by a corporation described in clause (d);

- (g) may establish a local board to administer a program established under clause (2) (a) or to administer the municipality's participation in a program referred to in clause (2) (b);
- (h) may appoint one or more of the directors of a corporation described in clause (d); and
- (i) may apply, under the *Corporations Act*, for letters patent incorporating a corporation described in clause (d) having such objects and powers as may be approved by the Minister.

R.S.O. 1980,
c. 95

(5) Where a corporation described in clause (4) (d) leases any building or structure from a municipality, it shall use the building or structure for the purpose of providing leased premises to small businesses included in a program referred to in subsection (2).

Idem

(6) Notwithstanding section 112,

Availability
of assistance

- (a) a lease of real property under clause (4) (c) or (d) or subsection (5);
- (b) a sale, lease or other disposition of personal property under clause (4) (e); or
- (c) the use of personal property or the services of employees of a municipality pursuant to clauses (4) (e) and (f),

may be made or provided for at less than fair market value but this subsection ceases to apply to an eligible small business at the end of thirty-six months following the day it first occupies premises leased to it under this section.

(7) The following provisions apply to a local board established under clause (4) (g):

Local board

1. The local board is a body corporate and shall consist of such number of members as the council of the municipality may determine.
2. A person is disqualified from being a member of the local board unless the person is qualified to be elected as a member of the council of the municipality.
3. Members shall hold office until the expiration of the term of the council that appointed them and until

their successors are appointed and are eligible for reappointment.

4. Upon the coming into force of the by-law establishing the local board, all the powers, rights, authorities and privileges conferred and the duties imposed on the council of the municipality by subsections (1) and (2), clauses (4) (a) to (f) and the regulations and any agreement under subsection (3) shall be exercised by the local board but subject to such limitations as the by-law may provide.
5. The local board shall submit to the council of the municipality its estimates for the current year at the time and in the form prescribed by council and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to providing the money for the purposes of the local board and, when money is so provided by the council, the treasurer of the municipality shall, upon the certificate of the local board, pay out such money.
6. On or before the 1st day of March in each year, the local board shall submit its annual report for the preceding year to council including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.
7. The municipal auditor shall be the auditor of the local board and all books, documents, transactions, minutes and accounts of the local board shall, at all times, be open to the auditor's inspection.
8. The power, right, authority and privilege of the council to raise money by the issue of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to the local board.
9. Upon the repeal of the by-law establishing the local board, the local board ceases to exist and its undertaking, documents, assets and liabilities shall be assumed by the municipality.

- (a) prescribing maximum amounts that may be expended by municipalities or any particular municipality under a program referred to in subsection (2);
- (b) defining “small business” for the purposes of this section.

(9) In this section,

Definitions

“eligible small business” means a small business included in a program referred to in subsection (2) that is in occupation of premises leased to it under this section;

“municipality” includes a metropolitan, regional and district municipality and the County of Oxford.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Municipal Amendment Act, 1986*.

Short title

A20N

56

Bill 80

An Act to amend the Education Act

Mr. Grande

1st Reading June 16th, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to provide for heritage language instruction in Ontario. The Bill sets forth a procedure for the establishment of heritage language programs in order that a heritage language may be taught as a subject of instruction or as a language of instruction. When a school board decides to institute a heritage language program, the Bill requires that a local heritage language advisory committee be established to provide continuing advice to the board concerning the nature and content of the heritage language program. In the case of a dispute between the board and the advisory committee, the Bill provides that the matter in dispute may be referred to the Minister for determination.

Bill 80

1986

An Act to amend the Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 235 (1) (f) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (f) in instruction and in all communications with pupils in regard to discipline and the management of the school, to use English or another language that will be understood by the pupil, except in respect of a language that is being taught as one of the subjects in the course of study.

language
of
instruction

2. The said Act is amended by adding thereto the following Part:

PART XI-A

HERITAGE LANGUAGE INSTRUCTION

277c. In this Part,

Definitions

“board” means a board of education, public school board, secondary school board or separate school board;

“board area” means the area in which a board has jurisdiction;

“heritage language” means a language other than English or French;

“student” means any person who has a right to attend a school in a board area in which the person is qualified to be a resident pupil.

277d. The purpose of this Part is,

Purpose

- (a) to provide students with the opportunity to study a heritage language as a subject of instruction in order to preserve or establish links with a heritage language community; and
- (b) to provide students with instruction in a heritage language as a means of transition to learning and working in the English or French language.

Heritage
language
classes

277e.—(1) A board may establish and maintain classes for the purpose of providing a heritage language as a subject of instruction or as a language of instruction for the purpose of transition to English or French.

Heritage
language
as a
subject of
instruction

(2) Where, after the first school day in September and on or before the 1st day of April next following, written evidence is presented to a board that a number of students resident in the board area and directly related to a heritage language community has elected to be taught the heritage language as a subject of instruction, the board shall forthwith determine whether students can be assembled for this purpose in one or more classes of twenty or more and, where the board determines that such students can be so assembled, it shall provide the language as a subject of instruction in such classes or groups.

When classes
to be held

(3) The board shall provide the heritage language as a curriculum subject for academic credit during the regular school day where the board determines that one or more classes or groups of twenty or more students can be assembled for the purpose and the board may establish such other classes at such times and locations as the board considers necessary to meet the needs of the heritage language community.

Admission
to classes

(4) Upon determining that a heritage language shall be taught as a subject of instruction, a board may permit students who have no direct relationship to the heritage language community to receive instruction in the language.

Transition
classes

277f.—(1) Where, after the first school day in September and on or before the 1st day of April next following, written evidence is presented to a board that a number of students resident in the board area whose mother tongue is a heritage language has elected to be taught in the heritage language as a language of instruction for the purpose of transition to English or French, the board shall forthwith determine whether students can be assembled for this purpose in one or more classes or groups of twenty or more and, where the board determines that such students can be so assembled, it shall provide the

language as a language of instruction in such classes or groups.

(2) English or French shall be a subject of instruction in all grades in which a heritage language is a language of instruction.

Instruction
in English
or French

277g.—(1) Where a board establishes, extends or decides to establish or extend a class, group or program in which a heritage language is a subject of instruction or a language of instruction, the board shall, within two months of the establishment, extension or decision to establish or extend by resolution, establish an advisory committee and provide for the holding of election of members thereof.

Advisory
committee

(2) No person is eligible to be a member of an advisory committee unless the heritage language in respect of which the committee is established is the mother tongue of that person.

Membership
on advisory
committee

(3) The advisory committee is responsible for developing proposals designed to meet the educational and cultural needs of students and community members who speak or wish to study the heritage language and for such purpose may make recommendations in respect of,

Recommen-
dations

- (a) the establishment, operation and management of heritage language instructional programs;
- (b) the use of the heritage language and of the English and French languages in heritage language instructional programs;
- (c) the recruitment and appointment of the required teaching, supervisory and administrative personnel;
- (d) the establishment of the course of study and the use of textbooks and other instructional material;
- (e) the establishment of attendance areas for heritage language instructional programs;
- (f) the provision of transportation for pupils;
- (g) the entering into agreements with other boards in respect of the provision of instruction in the heritage language and supervising and consultative services;
- (h) the development and establishment of adult education programs;

- (i) the use of any facility and means necessary to meet the educational and cultural needs of the heritage language community;
- (j) the provision of summer school programs; and
- (k) any other matter pertaining to heritage language education.

Committee
report
to board

(4) The committee shall report at each regular meeting of the board.

Board
to seek
advice of
committee

(5) The board shall seek the advice of the committee on all matters affecting the establishment, program, administration and termination of heritage language classes, groups or programs before any final decision regarding such matters is taken by the board.

Consider-
ation of
recommend-
ations
by board

(6) The board shall consider any recommendation submitted to it in writing by the committee and shall not refuse its approval without having given the committee an opportunity to be heard by the board or by any committee of the board to which such recommendation is referred and, where a board refuses a recommendation of the committee, it shall, within thirty days after receiving the recommendation of the committee, forward to the committee written reasons for its refusal.

Referral to
Minister

277h.—(1) Upon receipt of a refusal and the reasons therefor under subsection (3), the committee may, by motion, refer the matter to the Minister, in which case it shall send to the Minister and to the board copies of the motion, the recommendation of the committee and the written reasons of the board for its refusal.

Deferral
of action
by board

(2) When a matter is referred to the Minister, the board concerned shall defer action thereon until the matter has been resolved.

Written
reasons

(3) The Minister shall provide written reasons to the committee and the board in respect of a decision made on a matter referred to the Minister by the committee.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Education Amendment Act, 1986*.

Bill 81

An Act to amend the Employment Standards Act

Mr. Martel



1st Reading June 18th, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to prohibit an employer from requiring an employee to work more than five consecutive days without a day of rest.

Bill 81**1986****An Act to amend the Employment Standards Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

22a. Notwithstanding anything in this Part, an employer shall not require an employee to perform work on more than five consecutive days without a day of rest.

Maximum
consecutive
days of work

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Employment Standards Amendment Act, 1986*.

Short title

Bill 82

An Act to amend the Labour Relations Act

Mr. Mackenzie



1st Reading April 22nd, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to prevent the hiring of strikebreakers and to control access to a work premises that is affected by a strike or lock-out. The Bill prohibits an employer from hiring or using the services of a person to do the work of an employee who is on strike or locked out unless that person is specifically authorized to do so. Similarly, when a picket line is established at a place of access to a work premises, access is limited to persons specifically authorized by the Bill. The Bill repeals a provision of the Act dealing with professional strikebreakers and strike-related misconduct.

Bill 82

1986

An Act to amend the Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

67a.—(1) In this section,

Definitions

“employer” includes an employers’ organization and a person acting on behalf of an employer or an employers’ organization;

“legal picket line” means a moving formation of two or more persons who are members of a certified bargaining unit and who by means of signs or posters give notice that the certified bargaining unit is on strike or locked out.

(2) No employer shall employ or use the services of any person to perform the work of an employee who is exercising a legal right to strike or who is locked out unless,

Unlawful
employment

- (a) the person ordinarily exercises managerial or supervisory functions and was a full-time employee of the employer on the day the strike or lock-out commenced; or
- (b) the person is authorized to perform the work by agreement between the employer and representatives of the certified bargaining unit that is on strike or locked out.

(3) Where a legal picket line is formed in support of a lawful strike or lock-out at a place of access to a work premises, no person shall enter the premises unless,

Unlawful
entry

- (a) the person ordinarily exercises managerial and supervisory functions;

- (b) the person is a member of a certified bargaining unit that is not on strike or locked out and is not engaged in performing the work of an employee who is on strike or locked out;
- (c) the person is a non-union employee who was a full-time employee of the employer on the day the strike or lock-out was commenced and is not engaged in performing the work of an employee who is on strike or locked out;
- (d) the person requires access to the work premises for the purpose of providing emergency services;
- (e) the person is authorized to enter the work premises by agreement between the employer and representatives of the bargaining unit that is on strike or locked out.

Duty of
police
officer

(4) Where a picket line is formed in support of a lawful strike or lock-out at a place of access to a work premises, it is the duty of every police officer stationed at that place to ensure that no person other than a person authorized under subsection (3) enters the work premises.

Trespass

(5) A person who enters the work premises contrary to subsection (3) or who, upon gaining entry, performs work contrary to subsection (2), commits a trespass and is liable to proceedings under the *Trespass to Property Act*.

R.S.O. 1980,
c. 511

2. Section 71a of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 42, section 1, is repealed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Labour Relations Amendment Act, 1986*.

20N

56

Bill 83

An Act to amend the Employment Standards Act

Mr. Mackenzie



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to require an employer to provide a leave of absence to any employee who has been elected to provincial or municipal office so that the employee may be able to carry out the duties of an elected official.

Bill 83

1986

An Act to amend the Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following Part:

PART XI-B

ELECTED OFFICIAL LEAVE

39e. No employer shall terminate the employment of or lay off an employee who is entitled to a leave of absence under this Part by reason of that employee being an elected official. Elected official leave

39f.—(1) An employee who has been elected to the Legislative Assembly or to a municipal public office and who has been employed by the employer for a period of three months preceding the date of the election shall be entitled upon application therefor to a leave of absence for the purpose of carrying out his or her duties as an elected official. When leave to be taken

(2) A leave of absence under this Part may be for a continuous period consisting of the whole or a part of the term of office to which the person was elected or for such intermittent periods of time during the day or week as the employee may feel is necessary to fulfil his or her duties as an elected official. Duration of leave

(3) Where a leave of absence is for a continuous period, the employee shall give the employer two weeks notice in writing of the day upon which the employee intends to commence the leave and shall set out in this notice the estimated duration of the leave. Notice

(4) Where a leave of absence is for intermittent periods, the employee shall give to the employer notice in writing prior Idem

to commencing the leave of regular periods of time during the day or week that the employee intends to be on leave, but the employee is entitled to a leave of absence at other times where such leave is necessary for the employee to fulfil his or her duties as an elected official.

Preservation
of seniority

39g.—(1) An employee who intends to resume full-time employment upon ceasing to be an elected official shall so advise the employer, and, upon returning to work, the employer shall reinstate or continue the employee in his or her position or provide alternative work of a comparable nature at not less than the wages of the employee at the time the leave of absence began and without loss of seniority or benefits accrued to the expiration of the term of office other than seniority or benefits accrued during the times that the employee was on leave.

Idem

(2) Where the employer has suspended or discontinued operations during the leave of absence of the employee and has not resumed operations upon the expiry thereof, the employer shall, upon resumption of operations, reinstate the employee to his or her employment or to alternate work in accordance with an established seniority system or practice of the employer in existence at the time the leave of absence began with no loss of seniority or benefits accrued to the commencement of the leave of absence, and, in the absence of such a system or practice, shall reinstate the employee in accordance with subsection (1).

Employment
standards
officer
may make
order

39h. Where an employer fails to comply with the provisions of this Part, an employment standards officer may order what action, if any, the employer shall take or what he or she shall refrain from doing in order to constitute compliance with this Part and may order what compensation shall be paid by the employer to the Director, in trust, for the employee.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Employment Standards Amendment Act, 1986*.

20N

56

Bill 84

An Act to amend the Employment Standards Act

Mr. Mackenzie



1st Reading April 22nd, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTES

The purpose of the Bill is to reduce the standard work week from forty-eight hours to forty hours and to require employers to pay overtime rates for work done in excess of forty hours per week rather than forty-four hours.

The sections of the Act as amended by this Bill are set out below with the amended portions shown underlined.

SECTION 1. Subsection 11 (2), as amended, would read as follows:

(2) Subclause (1) (a) (iii) does not apply in respect of the salaried employees of an employer who perform work of a clerical or administrative nature where the employer makes and keeps a record showing the number of hours worked by such employees in excess of eight hours a day and forty hours a week.

SECTION 2. Section 17, as amended, would read as follows:

17. Except as otherwise provided in this Part, and subject to any schedule in force under the Industrial Standards Act, the hours of work of an employee shall not exceed eight in the day and forty in the week.

SECTION 3. Section 18, as amended, would read as follows:

18. An employer may, with the approval of the Director, and upon such terms and conditions as the Director prescribes, adopt a regular day of work in excess of eight hours but not in excess of twelve hours, provided that the total hours of work of each employee shall not exceed forty hours in a week.

SECTION 4. Subsection 20 (3), as amended, would read as follows:

(3) The issuance of a permit under this section does not require an employee to work any hours in excess of those prescribed by section 17 or approved under section 18 without the consent or agreement of the employee or his agent to hours in excess of eight in the day or forty in the week.

SECTION 5. Subsection 25 (1), as amended, would read as follows:

(1) Except as otherwise provided in the regulations, where an employee works for an employer in excess of forty hours in any week, he shall be paid for each hour worked in excess of forty hours overtime pay at an amount not less than one and one-half times the regular rate of the employee.

Bill 84**1986****An Act to amend the Employment Standards Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 11 (2) of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is amended by striking out “forty-four” in the fifth line and inserting in lieu thereof “forty”.

2. Section 17 of the said Act is amended by striking out “forty-eight” in the fourth line and inserting in lieu thereof “forty”.

3. Section 18 of the said Act is amended by striking out “forty-eight” in the fifth line and inserting in lieu thereof “forty”.

4. Subsection 20 (3) of the said Act is amended by striking out “forty-eight” in the fifth line and inserting in lieu thereof “forty”.

5. Subsection 25 (1) of the said Act is amended by striking out “forty-four” in the third line and in the fourth line and inserting in lieu thereof in each instance “forty”.

6. This Act comes into force on the day it receives Royal Assent. Commence-
ment

7. The short title of this Act is the *Employment Standards Amendment Act, 1986*. Short title

20N

56

Bill 85

An Act to provide Political Rights for Public Servants

Mr. Mackenzie



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

The Bill is designed to give public servants the same political rights that all other citizens enjoy in Ontario. It covers civil servants, Crown employees, employees of community colleges, and people working for agencies such as Ontario Hydro, the Workers' Compensation Board and the Ontario Northland Transportation Commission, but excludes Deputy Ministers, officers of similar status in Crown agencies and other senior policy-making officials.

The deleted sections of the *Public Service Act* make it illegal for a public servant to canvass on behalf of a candidate in an election, to solicit funds for a political party or a candidate at any time, or to speak or to write a letter to the editor on "any matter that forms part of the platform of a provincial or federal political party". A public servant may only become a candidate for election after the writs are issued and is effectively barred from being a candidate if a nomination is held before that date. The candidate must take leave of absence without pay for a period of four to five weeks.

The Bill provides that public servants will be able to write, speak, contribute, solicit funds, work, join, hold office, and vote on behalf of, in, for, or to a political party or candidate in a federal or provincial election and protects public servants from punitive action by their superiors or from being forced to carry out partisan duties as a condition of their employment.

The deleted section of the *Crown Employees Collective Bargaining Act* contains the sections which are re-enacted in the Bill and also prohibits an employee organization from receiving money from public employees who are its members for activities carried on by, or on behalf of a political party, from paying out money to, or on behalf of, the political party, or from otherwise supporting a political party. The penalty for these activities is loss of bargaining rights. The Bill will give an employee organization the rights enjoyed by other trade unions, prevents it from compelling an employee to engage in political activity and provides for a wider range of penalties.

Bill 85

1986

An Act to provide Political Rights for Public Servants

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“agency” means any board, agency or commission of the Crown in right of Ontario;

“public servant” means a person appointed in the service of the Crown by the Lieutenant Governor in Council, by the Civil Service Commission or by a Minister, or a person employed in the service of the Crown or any agency of the Crown, but does not include any Deputy Minister or senior employee of the Crown or an agency with management or policy responsibilities;

“Tribunal” means the Ontario Public Service Labour Relations Tribunal as defined in section 1 of the *Crown Employees Collective Bargaining Act*.

R.S.O. 1980,
c. 108

2.—(1) Every public servant shall be entitled to exercise the following political rights,

Political
rights

- (a) the right to vote;
- (b) the right to actively support a political party or a candidate for provincial or federal office;
- (c) the right to contribute to a political party at any time;
- (d) the right to solicit funds for a candidate or for a political party;
- (e) the right to be a member of a political party and to hold office in such party; and

- (f) the right to express views on matters that form part of the platform of a provincial or federal political party.

Idem

(2) The rights provided in subsection (1) are subject to the condition that,

- (a) the employee does not engage in political activities during working hours;
- (b) the employee does not associate his or her position in the service of the Crown with any political activity;
- (c) the employee does not speak in public or express views in writing for distribution to the public on any matter with which he or she is directly engaged in employment with the Crown;
- (d) the employee respects the oath of office and secrecy, as provided under section 10 of the *Public Service Act*.

R.S.O. 1980,
c. 418

Partisan
work by
public
servants

3. No public servant shall be required by his or her employer to engage in work or activity of a partisan nature for a candidate or a political party either during or outside working hours and, notwithstanding the provisions of any other Act, refusal to perform such activities shall be a justifiable defence against any dismissal, transfer or other disciplinary action.

Leave of
absence

4. A public servant who proposes to become a candidate in a provincial or federal election shall inform his or her Minister or the chief officer of his or her agency, and,

- (a) may seek leave of absence without pay at any time the public servant is duly nominated by his or her party as its candidate; and
- (b) shall take leave of absence commencing on the day on which the writ for the election is issued or on the day on which he or she is nominated by his or her party, whichever date comes later; and
- (c) shall be granted leave with pay commencing on the day provided by statute for the nomination of candidates and ending on polling day,

and every such application shall be granted.

5. Where a public servant who is a candidate in a provincial or federal election is elected, the public servant shall forthwith resign his or her position as a public servant.

Resignation

6. Where a public servant who has resigned under section 5,

Reappointment

- (a) ceases to be an elected political representative within five years of the resignation; and
- (b) applies for reappointment to his or her former position or to another position in the service of the Crown for which the public servant is qualified, within three months of ceasing to be an elected political representative,

he or she shall be reappointed to the position upon its next becoming vacant.

7. Where a public servant has been granted leave of absence under section 4 and was not elected, or resigned a position under section 5 and was reappointed under section 6, the period of the leave of absence or resignation shall be computed in determining the length of his or her service for any purpose, and the service shall be deemed to be continuous for all purposes.

Period of leave of absence

8. Every public servant who knowingly fails to comply with the requirements of this Act may be disciplined under the Act or regulation governing his or her employer.

Disciplinary action

9.—(1) In this section, “employee organization” means an organization of employees formed for the purpose of regulating relations between the Crown in right of Ontario and public servants under this Act.

Interpretation

(2) No employee organization shall discriminate against any employee because of age, sex, race, national origin, colour or religion.

Prohibitions

(3) Where a public servant or the Crown in right of Ontario considers that an employee organization is in violation of subsection (2), a complaint may be lodged with the Tribunal, which shall conduct a public hearing to consider the matter and which may,

Tribunal

- (a) dismiss the complaint; or
- (b) withdraw bargaining rights from the employee organization involved; or

- (c) levy a fine; or
- (d) take such other disciplinary action as it considers appropriate.

10. Sections 12, 13, 14, 15 and 16 of the *Public Service Act*, being chapter 418 of the Revised Statutes of Ontario, 1980, are repealed.

11. Clause 1 (1) (g) of the *Crown Employees Collective Bargaining Act*, being chapter 108 of the Revised Statutes of Ontario, 1980, is repealed.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. The short title of this Act is the *Public Servants' Political Rights Act, 1986*.

A20N
B
B 56

Bill 86

An Act to amend the Health Protection and Promotion Act, 1983

Mr. Cooke
(Windsor-Riverside)



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

Section 5 of the Act lists the health programs and services to be provided by boards of health.

Subparagraph ii of paragraph 4 of section 5 now reads:

ii. establishment of family planning services.

Paragraph 7 now reads:

7. Public health education, including education in the prevention and control of life-style diseases.

Bill 86**1986**

**An Act to amend the
Health Protection and Promotion Act, 1983**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subparagraph ii of paragraph 4 of section 5 of the *Health Protection and Promotion Act, 1983*, being chapter 10, is repealed and the following substituted therefor:

- ii. establishment of family planning services, including services especially addressed to adolescents.

(2) Paragraph 7 of the said section 5 is repealed and the following substituted therefor:

- 7. Public health education, including,
 - i. education in the prevention and control of life-style diseases,
 - ii. education in the prevention of adolescent pregnancy.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *Health Protection and Promotion Amendment Act, 1986*. Short title

Bill 88

An Act to amend the Education Act

Mr. Martel

1st Reading June 18th, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to authorize the apportionment of school rates between public and separate schools in the case of rateable property jointly owned or leased.

Bill 88**1986****An Act to amend the Education Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 125 of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(3) Where more than one owner or tenant is the occupant or tenant of land, each owner or tenant shall be deemed to be a person primarily liable for the payment of school rates and for determining whether those rates shall be applied to public or separate school purposes and, in such case, the owners or tenants who are primarily liable for the payment of school rates may determine that the application of the rates shall be apportioned between public and separate school purposes.

Joint
ownership,
tenancy, etc.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Education Amendment Act, 1986*.

Short title

Bill 89

An Act respecting Insured Services under the Ontario Health Insurance Plan

Mr. Martel



1st Reading June 18th, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The purpose of this Bill is to declare that surgical procedures for breast reconstruction are insured services under the Ontario Health Insurance Plan.

Bill 89

1986

**An Act respecting Insured Services under the
Ontario Health Insurance Plan**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Notwithstanding any provision to the contrary in the *Health Insurance Act*, or the regulations made thereunder, the surgical procedures set out in the Schedule below are hereby declared to be medically necessary and constitute insured services for the purposes of the Ontario Health Insurance Plan established by that Act.

Breast
reconstruction
declared
to be insured
services
R.S.O. 1980,
c. 197

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Insured Health Services Act, 1986*.

Short title

SCHEDULE

Breast reconstruction

- breast skin reconstruction by flaps or grafts
- breast mound creation by prosthesis and/or soft tissue
- nipple reconstruction by grafts

Bill 90

An Act to amend the Metropolitan Toronto Police Force Complaints Act, 1984

The Hon. I. Scott
Attorney General



1st Reading June 19th, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTES

The purpose of the Bill is to permit the extension of the police complaints procedure to municipalities other than Metropolitan Toronto on the request of the municipality.

SECTIONS 1 and 2. The amendments to the definitions adjust the terminology so that it is not confined to Metropolitan Toronto but can apply to any municipality to which the Act applies.

SECTION 3. The new section authorizes municipal by-laws to request the Lieutenant Governor in Council to designate the municipality by regulation under clause 31 (ca) of the Act as enacted by section 15 of the Bill. The regulation may only be made where such a by-law is passed.

SECTIONS 4 to 7. The amendments make no change in substance except to refer to all designated municipalities.

SECTION 8. Under the present provision the report of the Bureau's investigation is given to certain persons. The amendment would provide that the result of a further investigation by the chief of police on the request of the Commissioner be given to the same persons.

SECTION 9. The section amended now authorizes the chief of police to delegate to an officer of the rank of inspector or higher.

The amendment permits the delegation to be to a senior officer where the police force does not have the rank of inspector.

SECTION 10. The amendment removes any doubt that the appeal from the decision of a chief of police on a disciplinary hearing is to be taken under the *Metropolitan Toronto Police Force Complaints Act, 1984* and not the *Police Act*.

SECTIONS 11 to 14. See explanatory note for sections 4 to 7 except for subsection 12 (1).

Clause 23 (2) (b) of the Act makes the Attorney General a party to hearings before a board of inquiry, except when the hearing is in respect of a penalty imposed on an officer. The amendment in subsection 12 (1) ensures that the Attorney General is not excluded from participating where the officer's hearing is combined with the complainant's hearing.

SECTION 15. The amendment authorizes a municipality to be designated by regulation where it has passed a by-law requesting it.

SECTION 16. The short title of the Act is amended to remove specific reference to the Metropolitan Police Force.

Bill 90

1986

An Act to amend the Metropolitan Toronto Police Force Complaints Act, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses 1 (a) and (b) of the *Metropolitan Toronto Police Force Complaints Act, 1984*, being chapter 63, are repealed and the following substituted therefor:

- (a) “Bureau” means a Public Complaints Investigation Bureau established under section 5.

(2) Section 1 of the said Act is amended by adding thereto the following clause:

- (ea) “designated municipality” means The Municipality of Metropolitan Toronto and the municipalities that are designated by a regulation made under clause 31 (ca).

(3) Clause 1 (i) of the said Act is repealed and the following substituted therefor:

- (i) “police association” means the association as defined in the *Police Act* for the police force of a designated municipality.

R.S.O. 1980,
c. 381

(4) Section 1 of the said Act is further amended by adding thereto the following subsection:

(2) A reference in this Act to a police officer, chief of police, police force, Bureau, board of inquiry or panel for boards of inquiry means the one appointed or established for the designated municipality that the subject officer serves.

References to
local bodies

2. Section 2 of the said Act is amended by striking out “Metropolitan Police Force” in the third line and inserting in lieu thereof “police force of a designated municipality”.

3. The said Act is amended by adding thereto the following section:

By-laws to request application of Act
R.S.O. 1980, c. 381

2a.—(1) The council of a municipality that maintains a police force other than by agreement under section 64 of the *Police Act* may by by-law request the Lieutenant Governor in Council to designate the municipality as one to which this Act applies.

Idem

(2) The council of a municipality that maintains a police force by agreement under section 63 of the *Police Act* may pass a by-law under subsection (1) only if the municipality providing the services is a designated municipality.

4. Section 3 of the said Act is amended by adding thereto the following subsections:

Local offices

(6a) The Commissioner shall establish a local office in each designated municipality.

Communication to Commissioner by local office

(6b) Any matter or thing that is required or permitted by this Act to be given to or served upon the Commissioner shall be given or served at the local office of the Commissioner.

5. Subsections 4 (1), (2), (3), (4), (5) and (6) of the said Act are repealed and the following substituted therefor:

Panels for boards of inquiry

(1) The Lieutenant Governor in Council shall appoint a panel of persons for each designated municipality to act as members of boards of inquiry.

Recommendations for appointment

(2) One-third of the members of the panel shall be persons who are members of the Law Society of Upper Canada who are jointly recommended for appointment by the Attorney General and the Solicitor General.

Idem

(3) One-third of the members of the panel shall be persons, other than police officers, who are jointly recommended for appointment by the board of commissioners of police of the designated municipality, or, where there is no board, the council, and by the police association, if any.

Failure to make joint recommendations

(4) If the joint recommendations referred to in subsection (3) are not submitted to the Attorney General in writing within the time that the Attorney General may specify, one-third of the members of the panel shall be persons, other than police officers and members of the Law Society of Upper Canada, who are jointly recommended for appointment by the Attorney General and the Solicitor General.

(5) Before making the recommendation referred to in subsection (4), the Attorney General and Solicitor General shall consider any recommendations made by the board of commissioners of police or council alone or the police association alone.

Individual
recommen-
dations to be
considered

(6) One-third of the members of the panel shall be persons recommended for appointment by the council of the designated municipality.

Recommen-
dations for
appointment

(6a) If the recommendations referred to in subsection (6) are not submitted to the Attorney General in writing within the time that the Attorney General may specify, one-third of the members of the panel shall be persons, other than members of the Law Society of Upper Canada, who are jointly recommended for appointment by the Attorney General and the Solicitor General.

Failure
to make
recommen-
dations

(6b) Appointments to the panel shall be for a term of two years and a person who is appointed may be reappointed for a further term or terms not exceeding, in each instance, two years.

Term

6. Subsection 5 (1) of the said Act is amended by striking out “Metropolitan Police Force” in the second and third lines and inserting in lieu thereof “police force”.

7. Subsection 6 (1) of the said Act is amended by striking out “Metropolitan Toronto” in the second line and inserting in lieu thereof “the designated municipality”.

8. Subsection 11 (6) of the said Act is amended by adding at the end thereof “the chief of police, the complainant and the subject officer”.

9. Subsection 14 (7) of the said Act is amended by inserting after “higher” in the second line “or, if none, a senior officer who is not a member of the police association”.

10. Section 16 of the said Act is amended by striking out “the officer may appeal” in the third line and inserting in lieu thereof “any appeal therefrom shall be taken”.

11. Section 21 of the said Act is repealed and the following substituted therefor:

21.—(1) Where, after making a review, the Commissioner is of the opinion that a police practice or procedure should be altered, the Commissioner shall report the opinion and any recommendations to the board of commissioners of police of

Report

the designated municipality or, where there is no board, the council, to the chief of police and to the police association, if any.

Idem

(2) Where, as a result of any matter dealt with under this Act, the Commissioner is of the opinion that a practice or procedure or law affecting the resolution or prevention of public complaints should be altered or implemented, the Commissioner shall report the opinion and any recommendations to the board of commissioners of police of the designated municipality or, where there is no board, the council, to the chief of police and to the police association, if any.

Idem

(3) Within ninety days of receiving a report under subsection (1) or (2), the board of commissioners of police or council, as the case may be, shall forward the report along with their comments and any comments submitted to them by the chief of police or the police association, to the Attorney General, the Solicitor General and the Commissioner.

12.—(1) Clause 23 (2) (b) of the said Act is amended by striking out “where an appeal” in the first line and inserting in lieu thereof “in respect of an appeal that”.

(2) Clause 23 (17) (a) of the said Act is amended by striking out “Metropolitan Police Force” in the first and second lines and inserting in lieu thereof “police force”.

(3) Clause 23 (17) (b) of the said Act is amended by striking out “Metropolitan Police Force” in the first and second lines and inserting in lieu thereof “police force”.

(4) Subsection 23 (20) of the said Act is amended by striking out “Metropolitan Board of Commissioners of Police” in the first line and inserting in lieu thereof “board of commissioners of police for the designated municipality or, where there is no board, the council”.

13. Subsection 26 (1) of the said Act is amended by striking out “Metropolitan Police Force” in the second and third lines and inserting in lieu thereof “police force”.

14. Section 29 of the said Act is amended by striking out “The Municipality of Metropolitan Toronto” in the second and third lines and inserting in lieu thereof “a municipality that has passed a by-law under section 2a”.

15. Section 31 of the said Act is amended by adding thereto the following clause:

(ca) designating a municipality that has passed a by-law under section 2a as a designated municipality to which this Act applies.

16. Section 36 of the said Act is repealed and the following substituted therefor:

36. The short title of this Act is the *Police Force Com- Short title
plaints Act, 1984.*

17. This Act comes into force on the day it receives Royal Commence-
Assent. ment

18. The short title of this Act is the *Metropolitan Toronto Short title
Police Force Complaints Amendment Act, 1986.*

A20N
3
56

Bill 91

An Act to amend the Human Tissue Gift Act

Mr. Poirier



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill is intended to facilitate the obtaining of human organs for transplant purposes by creating an automated register of the names of all persons entitled to insured services under the *Health Insurance Act*, indicating whether each person has filed a general or specific consent to *post mortem* organ donation, has filed an objection to the procedure or has done neither. Provision is made for the amendment of the register and for keeping it confidential.

Bill 91

1986

An Act to amend the Human Tissue Gift Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of the *Human Tissue Gift Act*, being chapter 210 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(2a) Subsection (1) does not apply where the register referred to in subsection 8a (2) contains a record of an objection, by the person who died or whose death is imminent, to the use after death of the person's body, or of the part or parts of the body in respect of which a consent is sought, for therapeutic purposes, medical education or scientific research.

Where
objection
recorded

2. Part II of the said Act is amended by adding thereto the following section:

8a.—(1) In this section,

Definitions

“consent” means a consent given under clause (4) (1) (a);

“objection” means a person's written statement indicating that the person objects to the use after death of the person's body, or of a part or parts of the body, for therapeutic purposes, medical education or scientific research.

(2) The Minister of Health shall maintain a register containing,

Register of
consents and
objections

(a) the names and health insurance numbers of all insured persons as defined in the *Health Insurance Act*; and

R.S.O. 1980,
c. 197

(b) records of consents and objections of insured persons filed with the Ministry of Health.

(3) A record of a consent or objection contained in the register,

Nature and
amendment
of register

- (a) shall be stored electronically or on a magnetic medium so as to be capable of being retrieved by reference to the name and health insurance number of the person who gave the consent or made the objection;
- (b) shall be amended or deleted where the person who gave the consent or made the objection so requests; and
- (c) may be deleted where the Minister of Health is satisfied that the person who gave the consent or made the objection has died.

Access to
register

(4) No person shall have access to a record of a consent or objection except,

- (a) the person who gave the consent or made the objection, and his or her personal representative;
- (b) a physician who *bona fide* requires the information in connection with a proposed transplant, or a person acting on the physician's behalf; and
- (c) an employee of the Minister of Health whose duties require access to the record.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

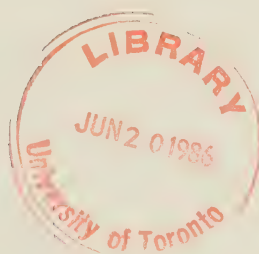
4. The short title of this Act is the *Human Tissue Gift Amendment Act, 1986*.

CA20N
KB
B 56

Bill 92

An Act to amend the Nursing Homes Act

Mr. Cooke
(Windsor-Riverside)



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill requires the financial statements of licensed nursing homes to be tabled in the Assembly and made available for public inspection.

Bill 92

1986

An Act to amend the Nursing Homes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Nursing Homes Act*, being chapter 320 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

17a.—(1) A licensee shall, at the end of the licensee's fiscal year, prepare or cause to be prepared a financial statement for the nursing home, including, Financial statement

- (a) a statement of profit and loss for that fiscal year; and
- (b) a budget of all projected expenditures for the next fiscal year, including details of projected expenditures for nursing care, food, recreation and other programs.

(2) A licensee shall file the financial statement referred to in subsection (1) with the Minister within ninety days of the end of the licensee's fiscal year, and the Minister shall submit the financial statement to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Tabling

(3) After a financial statement has been tabled in accordance with subsection (2), the licensee shall post a copy of it in a conspicuous place at the nursing home and shall make it available for inspection by any person on request during ordinary business hours. Posting and public inspection

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Nursing Homes Amendment Act, 1986*. Short title

A2 ON
B
B 56

Bill 93

An Act to amend the Employment Standards Act

Mr. Mackenzie



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill adds three holidays to the definition of "public holiday". They are Easter Monday, the first Monday in August and Boxing Day.

Bill 93**1986****An Act to amend the Employment Standards Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (l) of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (l) “public holiday” means New Year’s Day, Good Friday, Easter Monday, Victoria Day, Dominion Day, the first Monday in August, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *Employment Standards Amendment Act, 1986*. Short title

20N

56

Bill 94

**An Act regulating
the Amounts that Persons may charge
for rendering Services that are Insured Services
under the Health Insurance Act**

The Hon. M. Elston
Minister of Health



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

The Bill provides that physicians, dentists and optometrists who do not bill OHIP directly may not charge more than the OHIP rate for rendering an insured service to an insured person. A person who contravenes this is guilty of an offence and liable on conviction to a fine of not more than \$10,000. A judge who finds a person guilty may also order the person to pay back to the insured person any money received in excess of the OHIP rate. As an alternative, the insured person may sue the person for that excess.

The Bill also provides that the Minister of Health may enter an agreement with associations representing physicians, dentists and optometrists to provide methods of negotiating and determining the amounts payable under OHIP.

Bill 94

1986

**An Act regulating
the Amounts that Persons may charge
for rendering Services that are Insured Services
under the Health Insurance Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“dentist” means a person who is authorized under the *Health Disciplines Act* to engage in the practice of dentistry; R.S.O. 1980, c. 196

“insured person” means a person who is entitled to insured services under the *Health Insurance Act* and the regulations made under it; R.S.O. 1980, c. 197

“insured service” means a service that is an insured service under the *Health Insurance Act* and the regulations made under it;

“optometrist” means a person who is authorized under the *Health Disciplines Act* to engage in the practice of optometry;

“physician” means a legally qualified medical practitioner who is lawfully entitled to practise medicine in Ontario;

“Plan” means the Ontario Health Insurance Plan referred to in section 10 of the *Health Insurance Act*.

2. A physician or an optometrist who does not submit his or her accounts directly to the Plan under section 21 or 22 of the *Health Insurance Act* or a dentist shall not charge more or accept payment for more than the amount payable under the Plan for rendering an insured service to an insured person. Persons not to charge more than OHIP

3.—(1) The Minister of Health may enter into agreements with the associations mentioned in subsection (2), as repre- Agreement for determining amount

sentatives of physicians, dentists and optometrists, to provide for methods of negotiating and determining the amounts payable under the Plan in respect of the rendering of insured services to insured persons.

Associations (2) The associations representing physicians, dentists and optometrists are,

- (a) the Ontario Medical Association, in respect of physicians;
- (b) the Ontario Dental Association, in respect of dentists; and
- (c) the Ontario Association of Optometrists, in respect of optometrists.

Idem (3) The Lieutenant Governor in Council may make a regulation providing that the Minister may enter into an agreement under subsection (1) with a specified person or organization other than an association mentioned in subsection (2).

Offence **4.—**(1) A physician, a dentist or an optometrist who contravenes section 2 is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

Award for debt (2) When a defendant is convicted of an offence for charging a person more than the amount payable under the Plan, the court shall, on the request of the prosecutor and with the consent of the person, order the defendant to pay the person the amount by which the amount actually paid by the person exceeds the amount payable under the Plan.

Costs of prosecution (3) When a prosecution is conducted by a private prosecutor and the defendant is convicted, the court may determine the actual costs reasonably incurred in conducting the prosecution and, despite section 61 of the *Provincial Offences Act*, may order those costs to be paid by the defendant to the prosecutor.

R.S.O. 1980,
c. 400

Award and costs in addition to fine (4) An order under subsection (2) or an award of costs under subsection (3) shall be in addition to any fine that is imposed under subsection (1).

Civil action (5) An order under subsection (2) extinguishes the right of the person in whose favour the judgment is made to bring a civil action against the defendant to recover any money owed arising out of the same facts.

(6) The failure to request an order under subsection (2) ^{Idem} does not affect a right to bring a civil action arising out of the same facts.

(7) An order under subsection (2), and an award for costs ^{Enforcement} under subsection (3), may be filed in an appropriate civil court of competent jurisdiction and shall be deemed to be an order of that court for the purposes of enforcement.

5. This Act comes into force on a day to be named by ^{Commence-} proclamation of the Lieutenant Governor. ^{ment}

6. The short title of this Act is the *Health Care Accessi-* ^{Short title}
bility Act, 1986.

Bill 94

**An Act regulating
the Amounts that Persons may charge
for rendering Services that are Insured Services
under the Health Insurance Act**

The Hon. M. Elston
Minister of Health



1st Reading April 22nd, 1986
2nd Reading April 22nd, 1986
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The Bill provides that physicians, dentists and optometrists who do not bill OHIP directly may not charge more than the OHIP rate for rendering an insured service to an insured person. A person who contravenes this is guilty of an offence and liable on conviction to a fine of not more than \$250 for the first offence and \$1,000 for each subsequent offence. Excess payments may be repaid by the Plan to the patient and withheld from moneys owing to the practitioner by the Plan.

The Bill also provides that the Minister of Health may enter an agreement with associations representing physicians, dentists and optometrists to provide methods of negotiating and determining the amounts payable under OHIP.

Bill 94

1986

**An Act regulating
the Amounts that Persons may charge
for rendering Services that are Insured Services
under the Health Insurance Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“Board” means the Health Services Appeal Board under the *Health Insurance Act*;

R.S.O. 1980,
c. 197

“dentist” means a person who is authorized under the *Health Disciplines Act* to engage in the practice of dentistry;

R.S.O. 1980,
c. 196

“General Manager” means the General Manager appointed under section 4 of the *Health Insurance Act*;

“insured person” means a person who is entitled to insured services under the *Health Insurance Act* and the regulations made under it;

“insured service” means a service that is an insured service under the *Health Insurance Act* and the regulations made under it;

“Minister” means the Minister of Health;


“optometrist” means a person who is authorized under the *Health Disciplines Act* to engage in the practice of optometry;

“physician” means a legally qualified medical practitioner who is lawfully entitled to practise medicine in Ontario;

“Plan” means the Ontario Health Insurance Plan referred to in section 10 of the *Health Insurance Act*;



“practitioner” means a physician, an optometrist or a dentist;


“unauthorized payment” means the amount of money by which the amount a practitioner has charged and been paid for rendering an insured service to an insured person exceeds the amount payable under the Plan for rendering that service to that insured person. 

Persons
not to charge
more than
OHIP
R.S.O. 1980,
c. 197

2.—(1) A physician or an optometrist who does not submit his or her accounts directly to the Plan under section 21 or 22 of the *Health Insurance Act* or a dentist shall not charge more or accept payment for more than the amount payable under the Plan for rendering an insured service to an insured person.



Account
due

(2) A practitioner referred to in subsection (1) shall not accept payment in respect of an insured service rendered to an insured person until after the practitioner receives notice that the patient has been reimbursed by the Plan unless the insured person consents to make the payment on an earlier date. 

Agreement
for
determining
amount

3.—(1) The Minister of Health may enter into agreements with the associations mentioned in subsection (2), as representatives of physicians, dentists and optometrists, to provide for methods of negotiating and determining the amounts payable under the Plan in respect of the rendering of insured services to insured persons.

Associations

(2) The associations representing physicians, dentists and optometrists are,

- (a) the Ontario Medical Association, in respect of physicians;
- (b) the Ontario Dental Association, in respect of dentists; and
- (c) the Ontario Association of Optometrists, in respect of optometrists.

Idem

(3) The Lieutenant Governor in Council may make a regulation providing that the Minister may enter into an agreement under subsection (1) with a specified person or organization other than an association mentioned in subsection (2).



General
Manager
to pay
excess

4.—(1) Where the Minister is satisfied that a person has paid an unauthorized payment to a practitioner, the Minister may direct the General Manager to pay to the person the amount of the unauthorized payment.

(2) Where a person has paid an unauthorized payment to a practitioner and the General Manager has paid the person under subsection (1), the practitioner is indebted to the Plan for an amount equal to the sum of the amount of the unauthorized payment and the administrative charge prescribed by the regulations.

Practitioner
indebted

(3) The General Manager may recover from a practitioner part or all of any money the practitioner owes the Plan under subsection (2) by set off against any money payable to the practitioner by the Plan.

General
Manager to
recover
money

(4) If the General Manager recovers money from a practitioner under subsection (3), the General Manager shall forthwith serve on the practitioner notice of the amount recovered, the account in respect of which it was recovered and the practitioner's right under section 5 to request a review of the issue of whether the practitioner has received the unauthorized payment.

Notice of
recovery

(5) The notice under subsection (4) shall be served by registered mail addressed to the person to whom the notice is being given at the person's latest known address and the service shall be considered to have been made on the seventh day after the day of mailing unless the person to whom notice is given establishes that he or she, acting in good faith, did not receive the notice until a later date.

Service
of notice

5.—(1) A practitioner is entitled to a review of the issue of whether the practitioner has received an unauthorized payment if within fifteen days after receiving the notice under subsection 4 (4) the practitioner mails or delivers to the General Manager written notice requesting a review.

Practitioner
entitled to
review

(2) The General Manager, upon receiving a request for a review in accordance with subsection (1), shall refer the matter to the Chairman of the Board.

Referral
for review

(3) The Chairman of the Board may from time to time appoint a member of the Board to conduct a review under this Act.

Persons
to review

(4) A member of the Board conducting a review shall inquire into whether the practitioner has received an unauthorized payment.

Terms of
reference

(5) The General Manager, the practitioner and the insured person have the right to make written representations to the member of the Board conducting the review.

Right to
representa-
tions

Advise
General
Manager

(6) The member of the Board conducting a review shall advise the General Manager and the practitioner in writing as to whether, in the person's opinion, the practitioner has received an unauthorized payment and, if so, the amount of that payment.

General
Manager
to pay

(7) If the member of the Board conducting a review advises the General Manager that the General Manager recovered more from the practitioner than the sum of the unauthorized payment, if any, and the administrative charge, the General Manager shall pay the practitioner,

- (a) if the member finds there was no unauthorized payment, the total amount recovered; or
- (b) if the member finds there was an unauthorized payment, the difference between the amount recovered and the amount that should have been recovered.


Remuner-
ation of
Board

6. The members of the Board shall be paid such remuneration in respect of their services in connection with the administration of this Act as the Lieutenant Governor in Council determines.

Disclosure
of
information
R.S.O. 1980,
c. 197

7. Despite subsection 44 (1) of the *Health Insurance Act*, the General Manager, the Minister and one other person engaged in the administration of this Act who is designated in writing by the Minister may furnish to,

- (a) a member of the Board;
- (b) the person to whom insured services were rendered or where a person other than the person to whom the insured services were rendered was charged for those services, the person who was so charged; and
- (c) any other person, with the consent of the person to whom the services were rendered,

information pertaining to the nature of the insured services, the date or dates on which the insured services were provided and for whom, the name and address of the person who provided the services, the amounts paid or payable by the Plan for such services and the person to whom the money was paid or is payable, for the purpose of enforcing this Act. 

Offence

8.—(1) A physician, a dentist or an optometrist who contravenes section 2 is guilty of an offence and on conviction is liable to a fine of not more than \$250 for the first offence and \$1,000 for any subsequent offence.

(2) When a prosecution is conducted by a private prosecutor and the defendant is convicted, the court may determine the actual costs reasonably incurred in conducting the prosecution and, despite section 61 of the *Provincial Offences Act*, may order those costs to be paid by the defendant to the prosecutor.

Costs of
prosecution

R.S.O. 1980,
c. 400

9. The Lieutenant Governor in Council may make a regulation prescribing the administrative charge for the purpose of subsection 4 (2), such charges not to exceed \$150.

Regulations

10. Subsection 8 (1) of the *Health Insurance Act*, being chapter 197 of the Revised Statutes of Ontario, 1980, is amended by striking out “and not more than nine” in the second and third lines.

11. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

12. The short title of this Act is the *Health Care Accessibility Act, 1986*.

Short title

Bill 94

*(Chapter 20
Statutes of Ontario, 1986)*

**An Act regulating
the Amounts that Persons may charge
for rendering Services that are Insured Services
under the Health Insurance Act**

The Hon. M. Elston
Minister of Health

<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	April 22nd, 1986
<i>3rd Reading</i>	June 20th, 1986
<i>Royal Assent</i>	June 20th, 1986

Bill 94

1986

**An Act regulating
the Amounts that Persons may charge
for rendering Services that are Insured Services
under the Health Insurance Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“Board” means the Health Services Appeal Board under the *Health Insurance Act*;

R.S.O. 1980,
c. 197

“dentist” means a person who is authorized under the *Health Disciplines Act* to engage in the practice of dentistry;

R.S.O. 1980,
c. 196

“General Manager” means the General Manager appointed under section 4 of the *Health Insurance Act*;

“insured person” means a person who is entitled to insured services under the *Health Insurance Act* and the regulations made under it;

“insured service” means a service that is an insured service under the *Health Insurance Act* and the regulations made under it;

“Minister” means the Minister of Health;

“optometrist” means a person who is authorized under the *Health Disciplines Act* to engage in the practice of optometry;

“physician” means a legally qualified medical practitioner who is lawfully entitled to practise medicine in Ontario;

“Plan” means the Ontario Health Insurance Plan referred to in section 10 of the *Health Insurance Act*;

“practitioner” means a physician, an optometrist or a dentist;

“unauthorized payment” means the amount of money by which the amount a practitioner has charged and been paid for rendering an insured service to an insured person exceeds the amount payable under the Plan for rendering that service to that insured person.

Persons
not to charge
more than
OHIP
R.S.O. 1980,
c. 197

2.—(1) A physician or an optometrist who does not submit his or her accounts directly to the Plan under section 21 or 22 of the *Health Insurance Act* or a dentist shall not charge more or accept payment for more than the amount payable under the Plan for rendering an insured service to an insured person.

Account
due

(2) A practitioner referred to in subsection (1) shall not accept payment in respect of an insured service rendered to an insured person until after the practitioner receives notice that the patient has been reimbursed by the Plan unless the insured person consents to make the payment on an earlier date.

Agreement
for
determining
amount

3.—(1) The Minister of Health may enter into agreements with the associations mentioned in subsection (2), as representatives of physicians, dentists and optometrists, to provide for methods of negotiating and determining the amounts payable under the Plan in respect of the rendering of insured services to insured persons.

Associations

(2) The associations representing physicians, dentists and optometrists are,

- (a) the Ontario Medical Association, in respect of physicians;
- (b) the Ontario Dental Association, in respect of dentists; and
- (c) the Ontario Association of Optometrists, in respect of optometrists.

Idem

(3) The Lieutenant Governor in Council may make a regulation providing that the Minister may enter into an agreement under subsection (1) with a specified person or organization other than an association mentioned in subsection (2).

General
Manager
to pay
excess

4.—(1) Where the Minister is satisfied that a person has paid an unauthorized payment to a practitioner, the Minister may direct the General Manager to pay to the person the amount of the unauthorized payment.

(2) Where a person has paid an unauthorized payment to a practitioner and the General Manager has paid the person under subsection (1), the practitioner is indebted to the Plan for an amount equal to the sum of the amount of the unauthorized payment and the administrative charge prescribed by the regulations.

Practitioner indebted

(3) The General Manager may recover from a practitioner part or all of any money the practitioner owes the Plan under subsection (2) by set off against any money payable to the practitioner by the Plan.

General Manager to recover money

(4) If the General Manager recovers money from a practitioner under subsection (3), the General Manager shall forthwith serve on the practitioner notice of the amount recovered, the account in respect of which it was recovered and the practitioner's right under section 5 to request a review of the issue of whether the practitioner has received the unauthorized payment.

Notice of recovery

(5) The notice under subsection (4) shall be served by registered mail addressed to the person to whom the notice is being given at the person's latest known address and the service shall be considered to have been made on the seventh day after the day of mailing unless the person to whom notice is given establishes that he or she, acting in good faith, did not receive the notice until a later date.

Service of notice

5.—(1) A practitioner is entitled to a review of the issue of whether the practitioner has received an unauthorized payment if within fifteen days after receiving the notice under subsection 4 (4) the practitioner mails or delivers to the General Manager written notice requesting a review.

Practitioner entitled to review

(2) The General Manager, upon receiving a request for a review in accordance with subsection (1), shall refer the matter to the Chairman of the Board.

Referral for review

(3) The Chairman of the Board may from time to time appoint a member of the Board to conduct a review under this Act.

Persons to review

(4) A member of the Board conducting a review shall inquire into whether the practitioner has received an unauthorized payment.

Terms of reference

(5) The General Manager, the practitioner and the insured person have the right to make written representations to the member of the Board conducting the review.

Right to representations

Advise
General
Manager

(6) The member of the Board conducting a review shall advise the General Manager and the practitioner in writing as to whether, in the person's opinion, the practitioner has received an unauthorized payment and, if so, the amount of that payment.

General
Manager
to pay

(7) If the member of the Board conducting a review advises the General Manager that the General Manager recovered more from the practitioner than the sum of the unauthorized payment, if any, and the administrative charge, the General Manager shall pay the practitioner,

- (a) if the member finds there was no unauthorized payment, the total amount recovered; or
- (b) if the member finds there was an unauthorized payment, the difference between the amount recovered and the amount that should have been recovered.

Remuner-
ation of
Board

6. The members of the Board shall be paid such remuneration in respect of their services in connection with the administration of this Act as the Lieutenant Governor in Council determines.

Disclosure
of
information
R.S.O. 1980,
c. 197

7. Despite subsection 44 (1) of the *Health Insurance Act*, the General Manager, the Minister and one other person engaged in the administration of this Act who is designated in writing by the Minister may furnish to,

- (a) a member of the Board;
- (b) the person to whom insured services were rendered or where a person other than the person to whom the insured services were rendered was charged for those services, the person who was so charged; and
- (c) any other person, with the consent of the person to whom the services were rendered,

information pertaining to the nature of the insured services, the date or dates on which the insured services were provided and for whom, the name and address of the person who provided the services, the amounts paid or payable by the Plan for such services and the person to whom the money was paid or is payable, for the purpose of enforcing this Act.

Offence

8.—(1) A physician, a dentist or an optometrist who contravenes section 2 is guilty of an offence and on conviction is liable to a fine of not more than \$250 for the first offence and \$1,000 for any subsequent offence.

(2) When a prosecution is conducted by a private prosecutor and the defendant is convicted, the court may determine the actual costs reasonably incurred in conducting the prosecution and, despite section 61 of the *Provincial Offences Act*, may order those costs to be paid by the defendant to the prosecutor.

Costs of
prosecution

R.S.O. 1980,
c. 400

9. The Lieutenant Governor in Council may make a regulation prescribing the administrative charge for the purpose of subsection 4 (2), such charges not to exceed \$150.

Regulations

10. Subsection 8 (1) of the *Health Insurance Act*, being chapter 197 of the Revised Statutes of Ontario, 1980, is amended by striking out “and not more than nine” in the second and third lines.

11. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

12. The short title of this Act is the *Health Care Accessibility Act, 1986*.

Short title

Bill 95



An Act to amend the Metropolitan Toronto Police Force Complaints Act, 1984

The Hon. I. Scott
Attorney General

1st Reading June 19th, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The Bill provides that if the Metropolitan Board of Commissioners of Police and the Metropolitan Toronto Police Association, or the council of The Municipality of Metropolitan Toronto, fail to recommend persons for appointment to the panel for boards of inquiry as the Act requires, the Attorney General and the Solicitor General will make the recommendations instead.

Bill 95

1986

**An Act to amend the Metropolitan Toronto
Police Force Complaints Act, 1984**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of the *Metropolitan Toronto Police Force Complaints Act, 1984*, being chapter 63, is amended by adding thereto the following subsections:

(3a) If the joint recommendations referred to in subsection (3) have not been submitted to the Attorney General within the time that the Attorney General has specified under subsection (6), one-third of the members of the panel shall be persons, other than police officers and members of the Law Society of Upper Canada, who are jointly recommended for appointment by the Attorney General and the Solicitor General.

Failure to
make joint
recommendations

(3b) Before making the recommendation referred to in subsection (3a), the Attorney General and the Solicitor General shall consider any recommendations made by the Metropolitan Board of Commissioners of Police alone or the Metropolitan Toronto Police Association alone.

Individual
recommendations to be
considered

.

(4a) If the recommendations referred to in subsection (4) have not been submitted to the Attorney General within the time that the Attorney General has specified under subsection (6), one-third of the members of the panel shall be persons, other than members of the Law Society of Upper Canada, who are jointly recommended for appointment by the Attorney General and the Solicitor General.

Failure
to make
recommendations

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Metropolitan Toronto Police Force Complaints Amendment Act, 1986*.


Short title

Bill 95

*(Chapter 31
Statutes of Ontario, 1986)*

An Act to amend the Metropolitan Toronto Police Force Complaints Act, 1984

The Hon. I. Scott
Attorney General



<i>1st Reading</i>	June 19th, 1986
<i>2nd Reading</i>	July 10th, 1986
<i>3rd Reading</i>	July 10th, 1986
<i>Royal Assent</i>	July 10th, 1986

Bill 95

1986

**An Act to amend the Metropolitan Toronto
Police Force Complaints Act, 1984**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of the *Metropolitan Toronto Police Force Complaints Act, 1984*, being chapter 63, is amended by adding thereto the following subsections:

(3a) If the joint recommendations referred to in subsection (3) have not been submitted to the Attorney General within the time that the Attorney General has specified under subsection (6), one-third of the members of the panel shall be persons, other than police officers and members of the Law Society of Upper Canada, who are jointly recommended for appointment by the Attorney General and the Solicitor General.

Failure to
make joint
recommen-
dations

(3b) Before making the recommendation referred to in subsection (3a), the Attorney General and the Solicitor General shall consider any recommendations made by the Metropolitan Board of Commissioners of Police alone or the Metropolitan Toronto Police Association alone.

Individual
recommen-
dations to be
considered

.

(4a) If the recommendations referred to in subsection (4) have not been submitted to the Attorney General within the time that the Attorney General has specified under subsection (6), one-third of the members of the panel shall be persons, other than members of the Law Society of Upper Canada, who are jointly recommended for appointment by the Attorney General and the Solicitor General.

Failure
to make
recommen-
dations

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Metropolitan Toronto Police Force Complaints Amendment Act, 1986*.

Short title

Bill 96

An Act to acquire the Assets of Inco Limited

Mr. Martel



1st Reading April 22nd, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to vest the title and control of the assets situate in Ontario of Inco Limited in a Crown corporation, The Ontario Nickel Corporation. If compensation cannot be agreed upon, provision is made for arbitration. The objects of The Ontario Nickel Corporation include the task of operating and maintaining the assets of Inco Limited so as to provide employment and other economic benefits to the Province of Ontario.

Bill 96

1986

An Act to acquire the Assets of Inco Limited

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** In this Act, “Corporation” means The Ontario Nickel Corporation. Interpretation
- 2.**—(1) There is hereby established, on behalf of Her Majesty in right of Ontario, a corporation without share capital under the name of “The Ontario Nickel Corporation”. The Ontario Nickel Corporation established

(2) There shall be a Board of Directors of the Corporation consisting of such members as may be appointed by the Lieutenant Governor in Council. Board of Directors

(3) The Lieutenant Governor in Council shall designate one of the directors as chairman of the Board. Chairman

(4) The Corporation shall have a seal which shall be adopted by resolution or by-law. Seal

3.—(1) The affairs of the Corporation are under the management and control of the Board of Directors. Management

(2) The chairman shall preside at all meetings of the Board and, in his absence, one of the directors present thereat who is chosen so to act by the directors present shall preside and has and may exercise the powers of the chairman. Chairman to preside

(3) A majority of the directors constitutes a quorum for the transaction of business at meetings of the Board. Quorum

(4) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation. By-laws

4. The Board of Directors has such powers as are necessary for the purpose of carrying out its objects including the powers set out in sections 274 and 275 of the *Corporations Act* Powers of Board
R.S.O. 1980, c. 95

R.S.O. 1980,
c. 95 and section 23 of that Act, except clauses (1) (m), (p), (q), (r), (s), (t), (u) and (v), but otherwise the *Corporations Act* does not apply to the Corporation.

Objects

5. The objects of the Corporation are to,

- (a) take possession of the property, both real and personal, and the works and undertakings of Inco Limited and its subsidiaries situated in the Province of Ontario; and
- (b) create, develop and increase income, employment, and other economic benefits to the Province by operating and maintaining, or by encouraging and assisting in the establishment, expansion and continued operation and maintenance of the property, works and undertakings acquired and possessed under this Act.

Head office

6. The head office of the Corporation shall be in The Regional Municipality of Sudbury.

Assets of
Inco vest
in the
Corporation

7. All assets, including all real and personal property, works and undertakings, of Inco Limited and its subsidiaries situated in Ontario are hereby vested in The Ontario Nickel Corporation and the Corporation is hereby entitled to the possession, management and control of the said assets.

Notice of
arbitration

8.—(1) If agreement for compensation for the assets of Inco Limited vested in the Corporation by section 7 is not reached within thirty days from the date this Act comes into force, either party may serve notice of arbitration upon the other and upon the Ontario Municipal Board.

Idem

(2) The notice of arbitration referred to in subsection (1) shall be deemed to be a notice under clause 26 (b) of the *Expropriations Act* and, upon service of the notice, the practice and procedure under the *Expropriations Act* shall apply to the arbitration under this Act.

R.S.O. 1980,
c. 148

Application
of
R.S.O. 1980,
c. 148

9.—(1) Sections 29, 30, 33, 35 and 36 of the *Expropriations Act* apply to the taking of the assets referred to in section 7 in the same manner as if they were land.

Idem

(2) Compensation for the assets referred to in section 7 is to be determined in accordance with sections 13, 14, 16, 17, subsection 19 (2) and section 20 of the *Expropriations Act* in the same manner as if they were land.

(3) For the purposes of an arbitration under this Act, a reference to “expropriating authority” and to “statutory authority” in the *Expropriations Act* is a reference to the Corporation.

Interpre-
tation

R.S.O. 1980,
c. 148

10. The compensation payable as a result of this Act stands in place of the assets of Inco Limited vested in the Corporation under section 7 and any claim to or encumbrance on the assets is deemed to be a claim to or an encumbrance on the compensation payable and not a claim or encumbrance on the assets.

Compen-
sation

11. The *Bulk Sales Act* does not apply to the transfer of assets provided for in this Act.

R.S.O. 1980,
c. 52
does not
apply

Annual
report

12. The Corporation shall, after the close of each fiscal year, deliver to the Minister of Natural Resources an annual report upon the affairs of the Corporation and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

13. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

14. The short title of this Act is the *Inco Limited Acquisition Act, 1986*.

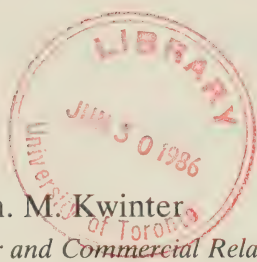
Short title

Bill 97

An Act to amend the Wine Content Act

The Hon. M. Kwinter

Minister of Consumer and Commercial Relations



1st Reading June 19th, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

Subsection 1 (2) of the Act prohibits wine manufacturers from using imported grapes or wine in the manufacture of wine after the 31st day of August, 1986. This date is being changed to 1987.

Bill 97**1986****An Act to amend the Wine Content Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 (2) of the *Wine Content Act*, being chapter 534 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 2, section 1, is further amended by striking out “1986” in the amendment of 1984 and inserting in lieu thereof “1987”.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *Wine Content Amendment Act, 1986*. Short title

Bill 97

*(Chapter 32
Statutes of Ontario, 1986)*

An Act to amend the Wine Content Act

The Hon. M. Kwinter
Minister of Consumer and Commercial Relations

<i>1st Reading</i>	June 19th, 1986
<i>2nd Reading</i>	July 8th, 1986
<i>3rd Reading</i>	July 10th, 1986
<i>Royal Assent</i>	July 10th, 1986

Bill 97**1986****An Act to amend the Wine Content Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 (2) of the *Wine Content Act*, being chapter 534 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 2, section 1, is further amended by striking out “1986” in the amendment of 1984 and inserting in lieu thereof “1987”.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *Wine Content Amendment Act, 1986*. Short title

2ND SESSION, 33RD LEGISLATURE, ONTARIO
35 ELIZABETH II, 1986

2^e SESSION, 33^e LÉGISLATURE, ONTARIO
35 ELIZABETH II, 1986

Bill 98

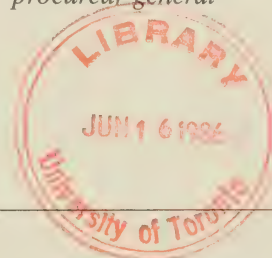
An Act to Implement the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards

The Hon. I. Scott
Attorney General

Projet de loi 98

Loi concernant la mise en oeuvre de la Convention de l'Organisation des Nations Unies pour la reconnaissance et l'exécution des sentences arbitrales étrangères

L'honorable I. Scott
procureur général



1st Reading April 22nd, 1986
2nd Reading July 2nd, 1986
3rd Reading
Royal Assent
(Reprinted as amended by the
Committee of the Whole House)

1^{re} lecture 22 avril 1986
2^e lecture 2 juillet 1986
3^e lecture

sanction royale
(Réimprimé tel qu'il est modifié par le
comité plénier de l'Assemblée)

EXPLANATORY NOTES

The Bill implements the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards. The Convention obliges contracting states to recognize and enforce foreign arbitral awards in the same way as domestic arbitral awards and to allow persons who have agreed to arbitrate an international dispute to stay other legal proceedings in order to arbitrate. It also permits contracting states to limit its application to awards originating in other contracting states and to limit its application to commercial arbitral awards.

The Bill applies to arbitration agreements and awards whether made before or after it is enacted. It provides that if a person has entered into an international arbitration agreement with regard to a commercial matter and the matter is litigated in Ontario, a party may have litigation of the matter stayed and the matter referred to arbitration, unless the arbitration agreement is found to be void, inoperative or incapable of being performed.

It also provides that a party may apply to the court for recognition of an arbitral award made outside Canada under a commercial arbitration agreement. Once recognized, the award may be enforced as a judgment of the court. The court may refuse to recognize an award under the circumstances set out in section 5.

The court may stay enforcement proceedings in Ontario if an application has been made in the jurisdiction where the foreign arbitral award was made to set it aside. The Act applies to arbitrations to which Her Majesty is a party.

The Bill is to come into force on proclamation because Canada, rather than Ontario, will be a contracting state. The Bill will be proclaimed upon Canada's becoming a contracting state.

NOTES EXPLICATIVES

Le projet de loi met en oeuvre la Convention de l'Organisation des Nations Unies pour la reconnaissance et l'exécution des sentences arbitrales étrangères. La Convention oblige les États contractants à reconnaître et à exécuter les sentences arbitrales étrangères de la même façon que les sentences arbitrales nationales. La Convention permet aux personnes qui ont consenti à porter à l'arbitrage un différend international de suspendre toute autre action en justice afin de procéder à l'arbitrage. Elle permet aussi aux États contractants de restreindre son application aux sentences émanant d'autres États contractants ainsi qu'aux sentences arbitrales commerciales.

Le projet de loi s'applique aux conventions d'arbitrage et aux sentences, qu'elles soient rendues avant ou après la promulgation de la loi. Il prévoit que si une personne a conclu une convention d'arbitrage internationale concernant une affaire commerciale et si l'affaire est instruite en Ontario, une partie peut en faire suspendre l'instruction et faire renvoyer l'affaire à l'arbitrage, à moins que le tribunal ne reconnaisse que la convention d'arbitrage est caduque, inopérante ou non susceptible d'être appliquée.

Il prévoit en outre qu'une partie peut présenter au tribunal une requête en reconnaissance d'une sentence arbitrale rendue à l'extérieur du Canada en vertu d'une convention d'arbitrage commerciale. À la suite de sa reconnaissance, la sentence est exécutoire au même titre qu'un jugement rendu par le tribunal. Celui-ci peut refuser de reconnaître une sentence dans les circonstances énoncées dans l'article 5.

Le tribunal peut suspendre en Ontario l'instance d'exécution de la sentence arbitrale étrangère si une requête en annulation de la sentence a été présentée dans la compétence territoriale où elle a été rendue. La loi s'applique à un arbitrage auquel Sa Majesté est partie.

La loi entre en vigueur par proclamation parce que le Canada, plutôt que l'Ontario, sera un État contractant. La loi sera proclamée dès que le Canada deviendra un État contractant.

Bill 98

1986

**An Act to Implement the
United Nations
Convention on the
Recognition and Enforcement of
Foreign Arbitral Awards**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1.—(1) In this Act,

“convention
d'arbitrage”

“arbitration agreement” means an agreement in writing, whether in the form of an arbitration clause in a contract or in the form of a separate agreement, under which the parties undertake to submit to arbitration all or any disputes which have arisen or which may arise between them in respect of a legal relationship, whether contractual or not, concerning a subject-matter capable of settlement by arbitration and recognized as commercial by the law of Ontario;

“sentence
arbitrale
étrangère”

“foreign arbitral award” means an arbitral award made pursuant to an arbitration agreement and made outside Canada;

“convention
d'arbitrage
internatio-
nale”

“international arbitration agreement” means an arbitration agreement in respect of a legal relationship,

- (a) that involves property that is outside Canada,
- (b) that envisages substantial performance or enforcement outside Canada, or
- (c) at least one party to which is domiciled or ordinarily resident outside Canada;

“partie”

“party” means a party to an arbitration agreement and includes a person claiming through or under a party.

Projet de loi 98

1986

**Loi concernant la mise en oeuvre
de la Convention de l'Organisation
des Nations Unies pour la
reconnaissance et l'exécution
des sentences arbitrales étrangères**

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

1 (1) Les définitions qui suivent s'appliquent à la présente loi. Définitions

«convention d'arbitrage» Convention écrite, sous forme de clause compromissoire dans un contrat ou sous forme d'une convention séparée, aux termes de laquelle les parties décident de soumettre à l'arbitrage la totalité ou quelques-uns des différends s'élevant ou pouvant s'élever au sujet d'un rapport de droit, contractuel ou non contractuel, considéré comme commercial par la loi de l'Ontario et qui porte sur une question susceptible d'être réglée par voie d'arbitrage. «arbitration agreement»

«convention d'arbitrage internationale» Convention d'arbitrage, à l'égard d'un rapport de droit, selon le cas : «international arbitration agreement»

- a) concernant des biens qui se trouvent à l'extérieur du Canada;
- b) prévoyant sa mise en oeuvre ou son exécution en grande partie à l'extérieur du Canada;
- c) à laquelle au moins l'une des parties est domiciliée ou réside ordinairement à l'extérieur du Canada.

«partie» Partie à une convention d'arbitrage, y compris ses ayants droit. «party»

«sentence arbitrale étrangère» Sentence arbitrale rendue conformément à une convention d'arbitrage à l'extérieur du Canada. «foreign arbitral award»

Arbitration agreement in writing	(2) An arbitration agreement is in writing if it is contained in a document signed by the parties or in an exchange of letters, telex, telegrams or other means of telecommunication that provide a record of the arbitration agreement or in an exchange of statements of claim and defence in which the existence of an arbitration agreement is alleged by one party and not denied by another.
Application	2. This Act applies to foreign arbitral awards and international arbitration agreements whether made before or after the coming into force of this Act.
Referral to arbitration	3.— (1) If a proceeding commenced in any court includes a matter that the parties have agreed to arbitrate under an international arbitration agreement, the court, on motion of a party, shall refer the parties to arbitration, unless it finds that the arbitration agreement is void, inoperative or incapable of being performed.
Time of making motion	(2) A party making a motion under subsection (1) shall do so no later than the time the party serves a document addressing the merits of the claim that gives rise to the motion.
Stay of court proceedings	(3) If the court refers the parties to arbitration, the court shall stay the proceeding with respect to the matter to which the arbitration relates, unless that matter is contained in a defence of set-off in which case the court shall strike out the defence with respect to that matter.
Application to court	4.— (1) A party seeking to enforce a foreign arbitral award in Ontario shall apply to the Supreme Court of Ontario or to the District Court for recognition of the foreign arbitral award.
Documents to be produced	(2) A party making an application under subsection (1) shall produce to the court, <ul style="list-style-type: none">(a) the original arbitral award or a sworn or notarized copy of it; and(b) the original arbitration agreement or a sworn or notarized copy of it.
Proof of award	(3) A sworn or notarized statement of an arbitrator or an officer of an arbitral tribunal or board identifying a document as the arbitral award is, in the absence of evidence to the contrary, proof that the document is the original award.
Language of award or agreement	(4) Where a document referred to in subsection (2) is in a language other than English or French, the party seeking to

(2) Une convention d'arbitrage est écrite si elle est consignée dans un document signé par les parties ou dans un échange de lettres, de communications télex, de télégrammes ou d'un autre moyen de télécommunication qui en atteste l'existence, ou encore dans l'échange d'une déclaration et d'une défense dans lequel l'existence d'une telle convention est alléguée par une partie et n'est pas niée par l'autre.

Convention
d'arbitrage
écrite

2 La présente loi s'applique aux sentences arbitrales étrangères et aux conventions d'arbitrage internationales, qu'elles soient rendues avant ou après l'entrée en vigueur de la présente loi.

Champ d'ap-
plication

3 (1) Si une instance introduite devant un tribunal comporte une question que les parties ont consenti à porter à l'arbitrage en vertu d'une convention d'arbitrage internationale, le tribunal, à la suite de la motion présentée par une partie, renvoie les parties à l'arbitrage. Toutefois, le renvoi n'a pas lieu si le tribunal constate que la convention est caduque, inopérante ou non susceptible d'être appliquée.

Renvoi à l'ar-
bitrage

(2) La partie qui présente une motion en vertu du paragraphe (1) doit le faire au plus tard le jour où elle signifie le document qui concerne le bien-fondé de la demande qui donne lieu à la motion.

Délai pour
présenter la
motion

(3) Si le tribunal renvoie les parties à l'arbitrage, celui-ci ordonne la suspension de l'instance relativement à la question qui fait l'objet de l'arbitrage. Toutefois, si cette question figure dans une défense de compensation le tribunal radie la défense relativement à cette question.

Suspension de
l'instance

4 (1) La partie qui demande l'exécution d'une sentence arbitrale étrangère en Ontario présente une requête à la Cour suprême de l'Ontario ou à la Cour de district pour obtenir la reconnaissance de la sentence arbitrale étrangère.

Requête de
reconnais-
sance

(2) La partie qui présente une requête aux termes du paragraphe (1) présente au tribunal :

Documents à
présenter

- a) l'original de la sentence arbitrale ou une copie sous serment ou notariée de cet original;
- b) l'original de la convention d'arbitrage ou une copie sous serment ou notariée de cet original.

(3) Une déclaration sous serment ou notariée d'un arbitre ou d'un agent d'un tribunal ou d'un conseil d'arbitrage qui identifie un document comme étant la sentence arbitrale fait

Preuve de la
sentence

enforce the foreign arbitral award shall produce to the court, in addition to the document, a translation of it into English or French and a sworn or notarized statement of the translator that the translation is accurate and complete.

Recognition
of award

5.—(1) Subject to subsections (2) and (3), the court, if satisfied that subsections 4 (2) and (4) have been complied with, shall recognize a foreign arbitral award.

Refusal to
recognize

(2) The court may refuse to recognize a foreign arbitral award if the person against whom it is invoked satisfies the court that,

- (a) a party to the arbitration agreement was under a legal incapacity at the time the agreement was made;
- (b) the arbitration agreement is not valid under the law to which the parties subjected it or, where no law is expressly made applicable, under the law of the place where the award was made;
- (c) the person was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present a case;
- (d) the award deals with a dispute not contemplated by, or not falling within, the terms of the submission to arbitration or it contains decisions on matters beyond the scope of the submission to arbitration;
- (e) the composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties or, failing such agreement, with the law of the place where the arbitration took place; or
- (f) the award has not yet become binding on the parties or has been set aside or suspended by a competent authority of the place in which, or under the law of which, it was made.

Idem

(3) The court may refuse to recognize a foreign arbitral award if the court finds that the subject-matter of the dispute is not capable of settlement by arbitration under the law of Ontario or recognition or enforcement of the award would be contrary to public policy.

preuve de la sentence originale, en l'absence de preuve contraire.

(4) Lorsqu'un document visé au paragraphe (2) est rédigé dans une langue autre que l'anglais ou le français, la partie qui demande l'exécution de la sentence arbitrale étrangère présente au tribunal, outre le document, une traduction de celui-ci en anglais ou en français ainsi que la déclaration du traducteur, sous serment ou notariée, attestant que la traduction est fidèle et complète.

Langue de la
sentence ou
de la conven-
tion

5 (1) Sous réserve des paragraphes (2) et (3), le tribunal reconnaît la sentence arbitrale étrangère s'il est convaincu que les paragraphes 4 (2) et (4) ont été respectés.

Reconnais-
sance de
sentence

(2) Le tribunal peut refuser de reconnaître une sentence arbitrale étrangère si la personne contre laquelle la sentence est invoquée le convainc de la réalité de l'un des faits suivants :

Refus de
reconnais-
sance

- a) qu'une partie à la convention d'arbitrage était frappée d'une incapacité juridique au moment où la convention a été conclue;
- b) que la convention d'arbitrage n'est pas valable en vertu de la loi à laquelle les parties l'ont subordonnée ou, si aucune loi ne s'y applique expressément, en vertu de la loi du lieu où la sentence a été rendue;
- c) qu'elle n'a pas été dûment informée de la désignation de l'arbitre ou de la procédure d'arbitrage, ou qu'il lui a été impossible, pour une autre raison, de faire valoir sa cause;
- d) que la sentence porte sur un différend non visé dans le compromis ou n'entrant pas dans les prévisions de la clause compromissoire, ou qu'elle contient des décisions sur des questions qui dépassent les termes du compromis ou de la clause compromissoire;
- e) que la constitution du tribunal arbitral ou la procédure d'arbitrage n'était pas conforme à la convention des parties ou, à défaut de convention, qu'elle n'était pas conforme à la loi du lieu où l'arbitrage a eu lieu;
- f) que la sentence n'est pas encore devenue obligatoire pour les parties ou a été annulée ou suspendue par une autorité compétente du lieu où la sentence

- Severability (4) If the court refuses to recognize a foreign arbitral award under clause (2) (d) and the decisions on matters submitted to arbitration can be separated from those on matters not so submitted, the part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced.
- Enforcement **6.**—(1) A foreign arbitral award recognized by the court is enforceable in the same manner as a judgment or order of the court.
- Idem (2) A foreign arbitral award recognized by the court binds the persons as between whom it was made and may be relied on by any of those persons in any legal proceeding.
- Stay of enforcement or proceeding **7.** When an application for the setting aside or suspension of a foreign arbitral award has been made to a competent authority of the place in which, or under the law of which, it was made, the court may, on motion, stay the enforcement or the proceeding on the enforcement of the award and may, on the motion of the party seeking to enforce it, order the other party to give suitable security in respect of any damage that the party seeking to enforce it may suffer as a result of the stay.
- Crown bound **8.** This Act applies to an arbitration to which Her Majesty is a party.
- Rights saved **9.** Nothing in this Act affects any rights that otherwise exist to enforce a foreign arbitral award.
- Commence-ment **10.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title **11.** The short title of this Act is the *Foreign Arbitral Awards Act, 1986*.

a été rendue ou en vertu de la loi duquel elle a été rendue.

(3) Le tribunal peut également refuser de reconnaître une sentence arbitrale étrangère s'il constate que l'objet du différend n'est pas susceptible d'être réglé par voie d'arbitrage conformément à la loi de l'Ontario ou que la reconnaissance ou l'exécution de la sentence serait contraire à l'ordre public.

Idem

(4) Si le tribunal refuse de reconnaître une sentence arbitrale étrangère en vertu de l'alinéa (2) d) et que les dispositions de la sentence qui ont trait à des questions soumises à l'arbitrage peuvent être dissociées de celles qui ont trait à des questions non soumises à l'arbitrage, les premières pourront être reconnues et exécutées.

Dissociation

6 (1) La sentence arbitrale étrangère reconnue par le tribunal est exécutoire au même titre et de la même façon qu'un jugement ou qu'une ordonnance rendue par lui.

Exécution

(2) La sentence arbitrale étrangère reconnue par le tribunal lie les personnes à l'égard desquelles elle a été rendue. Ces personnes peuvent invoquer la sentence dans toute action en justice.

Idem

7 Lorsqu'une requête visant l'annulation ou la suspension d'une sentence arbitrale étrangère est présentée à une autorité compétente du lieu où la sentence a été rendue ou en vertu de la loi duquel elle a été rendue, le tribunal peut, sur motion, suspendre l'exécution de la sentence ou l'instance qui s'y rapporte. En outre, le tribunal peut, à la suite d'une motion de la partie qui demande l'exécution de la sentence, ordonner à l'autre partie de fournir des sûretés convenables relatives à tout dommage que peut subir, comme résultat de la suspension, la partie qui demande l'exécution.

Suspension de l'exécution ou de l'instance

8 La présente loi s'applique à un arbitrage auquel Sa Majesté est partie.

Couronne liée

9 La présente loi n'a pas pour effet de porter atteinte aux droits relatifs à l'exécution d'une sentence arbitrale étrangère qui existent par ailleurs.

Réserve

10 La présente loi entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation.

Entrée en vigueur

11 Le titre abrégé de la présente loi est *Loi de 1986 sur les sentences arbitrales étrangères*.

Titre abrégé

Bill 98

2ND SESSION, 33RD LEGISLATURE, ONTARIO
35 ELIZABETH II, 1986

CA20N
XB
-B 56

Bill 98

(Chapter 25
Statutes of Ontario, 1986)

An Act to Implement the
United Nations
Convention on the
Recognition and Enforcement of
Foreign Arbitral Awards

The Hon. I. Scott
Attorney General



1st Reading	April 22nd, 1986
2nd Reading	July 2nd, 1986
3rd Reading	July 2nd, 1986
Royal Assent	July 7th, 1986

Projet de loi 98

2^e SESSION, 33^e LÉGISLATURE, ONTARIO
35 ELIZABETH II, 1986

Projet de loi 98

(Chapitre 25
Lois de l'Ontario de 1986)

Loi concernant la mise en oeuvre
de la Convention de l'Organisation
des Nations Unies pour la
reconnaissance et l'exécution
des sentences arbitrales étrangères

L'honorable I. Scott
procureur général

1 ^{re} lecture	22 avril 1986
2 ^e lecture	2 juillet 1986
3 ^e lecture	2 juillet 1986
sanction royale	7 juillet 1986

Bill 98**1986**

**An Act to Implement the
United Nations
Convention on the
Recognition and Enforcement of
Foreign Arbitral Awards**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1.—(1) In this Act,

“convention
d'arbitrage”

“arbitration agreement” means an agreement in writing, whether in the form of an arbitration clause in a contract or in the form of a separate agreement, under which the parties undertake to submit to arbitration all or any disputes which have arisen or which may arise between them in respect of a legal relationship, whether contractual or not, concerning a subject-matter capable of settlement by arbitration and recognized as commercial by the law of Ontario;

“sentence
arbitrale
étrangère”

“foreign arbitral award” means an arbitral award made pursuant to an arbitration agreement and made outside Canada;

“convention
d'arbitrage
internatio-
nale”

“international arbitration agreement” means an arbitration agreement in respect of a legal relationship,

- (a) that involves property that is outside Canada,
- (b) that envisages substantial performance or enforcement outside Canada, or
- (c) at least one party to which is domiciled or ordinarily resident outside Canada;

“partie”

“party” means a party to an arbitration agreement and includes a person claiming through or under a party.

Projet de loi 98**1986**

**Loi concernant la mise en oeuvre
de la Convention de l'Organisation
des Nations Unies pour la
reconnaissance et l'exécution
des sentences arbitrales étrangères**

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

1 (1) Les définitions qui suivent s'appliquent à la présente loi. Définitions

«convention d'arbitrage» Convention écrite, sous forme de clause compromissoire dans un contrat ou sous forme d'une convention séparée, aux termes de laquelle les parties décident de soumettre à l'arbitrage la totalité ou quelques-uns des différends s'élevant ou pouvant s'élever au sujet d'un rapport de droit, contractuel ou non contractuel, considéré comme commercial par la loi de l'Ontario et qui porte sur une question susceptible d'être réglée par voie d'arbitrage. «arbitration agreement»

«convention d'arbitrage internationale» Convention d'arbitrage, à l'égard d'un rapport de droit, selon le cas : «international arbitration agreement»

- a) concernant des biens qui se trouvent à l'extérieur du Canada;
- b) prévoyant sa mise en oeuvre ou son exécution en grande partie à l'extérieur du Canada;
- c) à laquelle au moins l'une des parties est domiciliée ou réside ordinairement à l'extérieur du Canada.

«partie» Partie à une convention d'arbitrage, y compris ses ayants droit. «party»

«sentence arbitrale étrangère» Sentence arbitrale rendue conformément à une convention d'arbitrage à l'extérieur du Canada. «foreign arbitral award»

Arbitration
agreement in
writing

(2) An arbitration agreement is in writing if it is contained in a document signed by the parties or in an exchange of letters, telex, telegrams or other means of telecommunication that provide a record of the arbitration agreement or in an exchange of statements of claim and defence in which the existence of an arbitration agreement is alleged by one party and not denied by another.

Application

2. This Act applies to foreign arbitral awards and international arbitration agreements whether made before or after the coming into force of this Act.

Referral
to
arbitration

3.—(1) If a proceeding commenced in any court includes a matter that the parties have agreed to arbitrate under an international arbitration agreement, the court, on motion of a party, shall refer the parties to arbitration, unless it finds that the arbitration agreement is void, inoperative or incapable of being performed.

Time of
making
motion

(2) A party making a motion under subsection (1) shall do so no later than the time the party serves a document addressing the merits of the claim that gives rise to the motion.

Stay of
court
proceedings

(3) If the court refers the parties to arbitration, the court shall stay the proceeding with respect to the matter to which the arbitration relates, unless that matter is contained in a defence of set-off in which case the court shall strike out the defence with respect to that matter.

Application
to court

4.—(1) A party seeking to enforce a foreign arbitral award in Ontario shall apply to the Supreme Court of Ontario or to the District Court for recognition of the foreign arbitral award.

Documents
to be
produced

(2) A party making an application under subsection (1) shall produce to the court,

(a) the original arbitral award or a sworn or notarized copy of it; and

(b) the original arbitration agreement or a sworn or notarized copy of it.

Proof of
award

(3) A sworn or notarized statement of an arbitrator or an officer of an arbitral tribunal or board identifying a document as the arbitral award is, in the absence of evidence to the contrary, proof that the document is the original award.

Language
of award
or agreement

(4) Where a document referred to in subsection (2) is in a language other than English or French, the party seeking to

(2) Une convention d'arbitrage est écrite si elle est consignée dans un document signé par les parties ou dans un échange de lettres, de communications télex, de télégrammes ou d'un autre moyen de télécommunication qui en atteste l'existence, ou encore dans l'échange d'une déclaration et d'une défense dans lequel l'existence d'une telle convention est alléguée par une partie et n'est pas niée par l'autre.

Convention
d'arbitrage
écrite

2 La présente loi s'applique aux sentences arbitrales étrangères et aux conventions d'arbitrage internationales, qu'elles soient rendues avant ou après l'entrée en vigueur de la présente loi.

Champ d'ap-
plication

3 (1) Si une instance introduite devant un tribunal comporte une question que les parties ont consenti à porter à l'arbitrage en vertu d'une convention d'arbitrage internationale, le tribunal, à la suite de la motion présentée par une partie, renvoie les parties à l'arbitrage. Toutefois, le renvoi n'a pas lieu si le tribunal constate que la convention est caduque, inopérante ou non susceptible d'être appliquée.

Renvoi à l'ar-
bitrage

(2) La partie qui présente une motion en vertu du paragraphe (1) doit le faire au plus tard le jour où elle signifie le document qui concerne le bien-fondé de la demande qui donne lieu à la motion.

Délai pour
présenter la
motion

(3) Si le tribunal renvoie les parties à l'arbitrage, celui-ci ordonne la suspension de l'instance relativement à la question qui fait l'objet de l'arbitrage. Toutefois, si cette question figure dans une défense de compensation le tribunal radie la défense relativement à cette question.

Suspension de
l'instance

4 (1) La partie qui demande l'exécution d'une sentence arbitrale étrangère en Ontario présente une requête à la Cour suprême de l'Ontario ou à la Cour de district pour obtenir la reconnaissance de la sentence arbitrale étrangère.

Requête de
reconnais-
sance

(2) La partie qui présente une requête aux termes du paragraphe (1) présente au tribunal :

Documents à
présenter

- a) l'original de la sentence arbitrale ou une copie sous serment ou notariée de cet original;
- b) l'original de la convention d'arbitrage ou une copie sous serment ou notariée de cet original.

(3) Une déclaration sous serment ou notariée d'un arbitre ou d'un agent d'un tribunal ou d'un conseil d'arbitrage qui identifie un document comme étant la sentence arbitrale fait

Preuve de la
sentence

enforce the foreign arbitral award shall produce to the court, in addition to the document, a translation of it into English or French and a sworn or notarized statement of the translator that the translation is accurate and complete.

Recognition
of award

5.—(1) Subject to subsections (2) and (3), the court, if satisfied that subsections 4 (2) and (4) have been complied with, shall recognize a foreign arbitral award.

Refusal to
recognize

(2) The court may refuse to recognize a foreign arbitral award if the person against whom it is invoked satisfies the court that,

- (a) a party to the arbitration agreement was under a legal incapacity at the time the agreement was made;
- (b) the arbitration agreement is not valid under the law to which the parties subjected it or, where no law is expressly made applicable, under the law of the place where the award was made;
- (c) the person was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present a case;
- (d) the award deals with a dispute not contemplated by, or not falling within, the terms of the submission to arbitration or it contains decisions on matters beyond the scope of the submission to arbitration;
- (e) the composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties or, failing such agreement, with the law of the place where the arbitration took place; or
- (f) the award has not yet become binding on the parties or has been set aside or suspended by a competent authority of the place in which, or under the law of which, it was made.

Idem

(3) The court may refuse to recognize a foreign arbitral award if the court finds that the subject-matter of the dispute is not capable of settlement by arbitration under the law of Ontario or recognition or enforcement of the award would be contrary to public policy.

preuve de la sentence originale, en l'absence de preuve contraire.

(4) Lorsqu'un document visé au paragraphe (2) est rédigé dans une langue autre que l'anglais ou le français, la partie qui demande l'exécution de la sentence arbitrale étrangère présente au tribunal, outre le document, une traduction de celui-ci en anglais ou en français ainsi que la déclaration du traducteur, sous serment ou notariée, attestant que la traduction est fidèle et complète.

Langue de la sentence ou de la convention

5 (1) Sous réserve des paragraphes (2) et (3), le tribunal reconnaît la sentence arbitrale étrangère s'il est convaincu que les paragraphes 4 (2) et (4) ont été respectés.

Reconnaissance de sentence

(2) Le tribunal peut refuser de reconnaître une sentence arbitrale étrangère si la personne contre laquelle la sentence est invoquée le convainc de la réalité de l'un des faits suivants :

Refus de reconnaissance

- a) qu'une partie à la convention d'arbitrage était frappée d'une incapacité juridique au moment où la convention a été conclue;
- b) que la convention d'arbitrage n'est pas valable en vertu de la loi à laquelle les parties l'ont subordonnée ou, si aucune loi ne s'y applique expressément, en vertu de la loi du lieu où la sentence a été rendue;
- c) qu'elle n'a pas été dûment informée de la désignation de l'arbitre ou de la procédure d'arbitrage, ou qu'il lui a été impossible, pour une autre raison, de faire valoir sa cause;
- d) que la sentence porte sur un différend non visé dans le compromis ou n'entrant pas dans les prévisions de la clause compromissoire, ou qu'elle contient des décisions sur des questions qui dépassent les termes du compromis ou de la clause compromissoire;
- e) que la constitution du tribunal arbitral ou la procédure d'arbitrage n'était pas conforme à la convention des parties ou, à défaut de convention, qu'elle n'était pas conforme à la loi du lieu où l'arbitrage a eu lieu;
- f) que la sentence n'est pas encore devenue obligatoire pour les parties ou a été annulée ou suspendue par une autorité compétente du lieu où la sentence

- Severability (4) If the court refuses to recognize a foreign arbitral award under clause (2) (d) and the decisions on matters submitted to arbitration can be separated from those on matters not so submitted, the part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced.
- Enforcement **6.**—(1) A foreign arbitral award recognized by the court is enforceable in the same manner as a judgment or order of the court.
- Idem (2) A foreign arbitral award recognized by the court binds the persons as between whom it was made and may be relied on by any of those persons in any legal proceeding.
- Stay of enforcement or proceeding **7.** When an application for the setting aside or suspension of a foreign arbitral award has been made to a competent authority of the place in which, or under the law of which, it was made, the court may, on motion, stay the enforcement or the proceeding on the enforcement of the award and may, on the motion of the party seeking to enforce it, order the other party to give suitable security in respect of any damage that the party seeking to enforce it may suffer as a result of the stay.
- Crown bound **8.** This Act applies to an arbitration to which Her Majesty is a party.
- Rights saved **9.** Nothing in this Act affects any rights that otherwise exist to enforce a foreign arbitral award.
- Commencement **10.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title **11.** The short title of this Act is the *Foreign Arbitral Awards Act, 1986*.

a été rendue ou en vertu de la loi duquel elle a été rendue.

(3) Le tribunal peut également refuser de reconnaître une sentence arbitrale étrangère s'il constate que l'objet du différend n'est pas susceptible d'être réglé par voie d'arbitrage conformément à la loi de l'Ontario ou que la reconnaissance ou l'exécution de la sentence serait contraire à l'ordre public. Idem

(4) Si le tribunal refuse de reconnaître une sentence arbitrale étrangère en vertu de l'alinéa (2) d) et que les dispositions de la sentence qui ont trait à des questions soumises à l'arbitrage peuvent être dissociées de celles qui ont trait à des questions non soumises à l'arbitrage, les premières pourront être reconnues et exécutées. Dissociation

6 (1) La sentence arbitrale étrangère reconnue par le tribunal est exécutoire au même titre et de la même façon qu'un jugement ou qu'une ordonnance rendue par lui. Exécution

(2) La sentence arbitrale étrangère reconnue par le tribunal lie les personnes à l'égard desquelles elle a été rendue. Ces personnes peuvent invoquer la sentence dans toute action en justice. Idem

7 Lorsqu'une requête visant l'annulation ou la suspension d'une sentence arbitrale étrangère est présentée à une autorité compétente du lieu où la sentence a été rendue ou en vertu de la loi duquel elle a été rendue, le tribunal peut, sur motion, suspendre l'exécution de la sentence ou l'instance qui s'y rapporte. En outre, le tribunal peut, à la suite d'une motion de la partie qui demande l'exécution de la sentence, ordonner à l'autre partie de fournir des sûretés convenables relatives à tout dommage que peut subir, comme résultat de la suspension, la partie qui demande l'exécution. Suspension de l'exécution ou de l'instance

8 La présente loi s'applique à un arbitrage auquel Sa Majesté est partie. Couronne liée

9 La présente loi n'a pas pour effet de porter atteinte aux droits relatifs à l'exécution d'une sentence arbitrale étrangère qui existent par ailleurs. Réserve

10 La présente loi entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation. Entrée en vigueur

11 Le titre abrégé de la présente loi est *Loi de 1986 sur les sentences arbitrales étrangères*. Titre abrégé

A20N
B
B 56

Bill 99

An Act to require Disclosure of the Use of Hazardous Substances

Mr. Martel



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

The Bill requires disclosure by employers of the production, use, storage, emission or disposal of substances designated by the Minister of Labour as hazardous to human health or to the environment and provides for access to disclosure reports by any person. The Ministry is required to supply, on request, health and safety information with respect to each hazardous substance. The names of persons requesting information are kept confidential.

Employers are required to adequately label hazardous substances kept in the work place and to institute programs for workers on the proper handling of hazardous substances.

Bill 99

1986

**An Act to require
Disclosure of the Use of Hazardous Substances**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“employer”, “work place” and “worker” have the meanings attributed to them under the *Occupational Health and Safety Act*;

R.S.O. 1980,
c. 321

“hazardous substance” means a substance or combination of substances designated as hazardous under section 3;

“inspector” means an inspector appointed for the purposes of this Act or appointed under the *Occupational Health and Safety Act*;

“Minister” means the Minister of Labour;

“Ministry” means the Ministry of Labour.

2.—(1) An employer who produces, uses in manufacturing, processing or packaging, stores, emits into the air, land or water or disposes of a hazardous substance shall file an annual disclosure report in accordance with subsection 3 (2).

Disclosure
required

(2) An employer shall file an interim disclosure report within fifteen days in respect of the production, use, storage, emission or disposal of a hazardous substance that commences within the eleven months following the employer’s annual filing.

Interim
disclosure

3.—(1) The Minister shall designate substances or combinations of substances as hazardous to human health or to the environment in accordance with the criteria set out in the regulations.

Designation
of hazardous
substances

Contents of
disclosure
report

(2) A disclosure report filed under section 2,

- (a) shall identify the hazardous substances that the employer produces, uses, stores, emits or disposes of;
- (b) shall state the purpose for producing, using or storing the hazardous substance or the reason for emitting or disposing of it; and
- (c) shall state, for every hazardous substance identified,
 - (i) the municipal address of every place at which the employer produces, uses, stores, emits or disposes of it, and
 - (ii) the quantities of it involved at each place.

Exemptions
from
disclosure

4. An employer is not required to file a disclosure report with respect to a hazardous substance that is used, stored, emitted or disposed of in quantities of less than 1 kilogram or 1 litre per year or that is a consumer product.

Protection of
trade secrets

5.—(1) An employer shall not refuse to file a disclosure report on the grounds that disclosure will reveal a trade secret or otherwise prejudice the employer's financial or commercial interests.

Referral to
arbitration

(2) An employer who wishes to protect information in respect of a hazardous substance may apply to the Minister to have the matter dealt with by final and binding settlement by arbitration.

Composition
and
appointment
of arbitral
board

(3) An application under subsection (2) shall be referred to an arbitral board composed of one representative each from industry, labour and the community appointed by the Minister of Labour with the approval of the Lieutenant Governor in Council.

Decision
of board

(4) An arbitral board may approve the protection of the name of the hazardous substance that is the subject of the application but not of its nature or the hazards associated with it.

Access to
disclosure
reports

6.—(1) Any person may at all reasonable times have access to a disclosure report filed with the Ministry.

Health and
safety data

(2) On the request of any person, the Ministry shall supply within a reasonable time health and safety data and provide access to information available from the Canadian Centre of

Occupational Health and Safety in respect of any hazardous substance, including,

- (a) the chemical composition and properties of the substance;
- (b) the health hazards associated with it, including acute and chronic effects; and
- (c) the precautionary, protective and remedial measures to be taken in connection with it.

(3) The Ministry shall not disclose the name of any person who has made a request for access to a disclosure report or to obtain health and safety information under this section.

Anonymity
of
applicants

(4) Part VI of the *Occupational Health and Safety Act* prohibiting reprisals by an employer because a worker has sought the enforcement of that Act applies with all necessary modifications with respect to a worker seeking enforcement of this Act.

Reprisals
prohibited
R.S.O. 1980,
c. 321

7.—(1) An employer shall ensure that hazardous substances kept in the work place, whether in containers or in piping systems, are clearly labelled to display, with respect to each hazardous substance,

Labelling of
hazardous
substances

- (a) its chemical composition and properties;
- (b) its generic name; and
- (c) the handling precautions to be taken to ensure its safe use.

(2) An employer shall establish continuing programs to educate workers in the handling, storage, use, disposal and transport of any hazardous substance with which they may come in contact in the work place.

Education
programs

8.—(1) For the purpose of ensuring compliance with this Act and the regulations, an inspector shall inspect the premises of an employer required to file a disclosure report under section 2 at least once every three years.

Inspection
of premises

(2) An inspector may, in connection with an inspection under subsection (1),

Idem

- (a) enter in or upon any work place that is not a dwelling at any time without warrant or notice; and

- (b) conduct tests of any biological, chemical or physical agent in the work place and for this purpose take and carry away samples.

Obstruction
of inspector

(3) No person shall obstruct or interfere with an inspector in an inspection under this section.

Penalty

9. Every employer who contravenes or fails to comply with a provision of this Act is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

Regulations

10. The Lieutenant Governor in Council may make regulations,

- (a) prescribing forms and providing for their use;
- (b) providing for and prescribing fees;
- (c) establishing criteria for the designation of hazardous substances;
- (d) setting out the procedure to be followed in respect of arbitration.

Commence-
ment

11. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

12. The short title of this Act is the *Hazardous Substances Reporting Act, 1986*.

20N

56

Bill 100

An Act to provide for the Employment of Disabled Persons

Mr. Mackenzie



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to provide employment opportunities for disabled persons. The Bill requires that employers hire disabled persons to constitute at least 3 per cent of the employer's work force. The Bill permits the Minister to vary this percentage requirement in cases where the Minister considers another quota to be more suitable. In addition, the Minister may exempt an employer or class of employers from the operation of the statute. The Bill establishes a register of employable disabled persons to be maintained by the Ministry for the purpose of facilitating efforts by employers to meet the quota established by this Bill.

Bill 100**1986**

An Act to provide for the Employment of Disabled Persons

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“disabled person” means any person suffering from a serious and prolonged physical disability;

“Minister” means the Minister of Labour;

“Ministry” means the Ministry of Labour;

“register” means the register of disabled persons established under section 4.

2.—(1) Every employer shall ensure that at any point in time the number of disabled persons who are employees of the employer is at least 3 per cent of the total number of employees of the employer.

Employment
of disabled
persons

(2) Notwithstanding subsection (1), the Minister may by order establish a quota for an employer or class of employers that is greater or less than the quota established under subsection (1) where the Minister is of the opinion that the quota established under subsection (1) is not suitable to that employer or class of employers.

Minister
may set
quota

3.—(1) No employer shall hire any person other than a disabled person if the number of disabled persons employed by the employer is less than the employer’s quota established under section 2.

Prohibition

(2) Subsection (1) does not apply to an employer who hires a person,

Exception

- (a) as a result of an agreement to reinstate the person entered into before the day on which this Act comes into force;
- (b) in accordance with an order or permit issued by the Minister under section 5.

Register

4.—(1) The Ministry shall establish and maintain a register of disabled persons for the purpose of facilitating the hiring by employers of disabled persons and the register shall record the name, address, qualifications, skills and the nature of the disability of each person registered therein.

Disabled person entitled to be registered

(2) Upon application, a person is entitled to be registered by the Ministry as a disabled person for the purposes of this Act if,

- (a) the person suffers from a physical disability that harms the person's prospects in obtaining employment; and
- (b) the person is capable of performing work in one or more work situations without causing danger to other employees.

Exemption order

5. Upon application, the Minister may by order,

- (a) exempt an employer or class of employers from the operation of this Act;
- (b) permit an employer to hire one or more persons who are not disabled persons for purposes set forth in the order.

Offence

6.—(1) Every employer who contravenes this Act is guilty of an offence and on summary conviction is liable,

- (a) if an individual, to a fine of not more than \$1,000; or
- (b) if a corporation, to a fine of not more than \$10,000.

Opportunity to comply

(2) No prosecution against an employer shall be instituted under this Act unless the employer is notified of the intent to bring a prosecution and afforded a reasonable opportunity to show or achieve compliance with this Act.

Regulations

7. The Lieutenant Governor in Council may make regulations,

- (a) prescribing additional types of information to be recorded in respect of each disabled person registered in the register;
- (b) governing the types of information to be supplied to the Ministry by each disabled person registered in the register;
- (c) governing records to be kept and reports to be provided by each employer concerning the disabled persons employed by the employer.

8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

9. The short title of this Act is the *Disabled Persons Employment Act, 1986*. Short title

A20N
B
B 56

Bill 101

An Act to amend the Occupational Health and Safety Act

The Hon. W. Wrye
Minister of Labour



1st Reading April 22nd, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to make it mandatory for employers to prepare inventories of hazardous materials and to make available to their workers information respecting hazardous materials and hazardous physical agents. Under the Bill, members of the public would also be entitled to inspect copies of hazardous materials inventories filed with medical officers of health.

Bill 101

1986

**An Act to amend the
Occupational Health and Safety Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, is amended by renumbering paragraph 1 as paragraph 1a and by adding thereto the following paragraphs:

1. “combination”, when used in relation to biological, chemical and physical agents, includes a mixture thereof;

.

10a. “hazardous material” means,

- i. a biological or chemical agent that is a hazard to the health or safety of a worker who is or may be exposed thereto,
- ii. a combination of biological or chemical or biological and chemical agents of which an ingredient is a hazard to the health or safety of a worker who is or may be exposed thereto,
- iii. a biological or chemical agent prescribed by the regulations as a hazardous material;

10b. “hazardous physical agent” means,

- i. a physical agent caused, produced or emitted by a thing when in use or operation that is a hazard to the health or safety of a worker who is or may be exposed to the agent,

- ii. a physical agent prescribed by the regulations as a hazardous physical agent.

(2) The said section 1 is further amended by adding thereto the following subsection:

Exception re:
hazardous
materials

(2) Unless the regulations provide otherwise, a combination of biological and chemical agents or of either of them shall be deemed not to be a hazardous material if the ingredient that is a hazard to the health or safety of a worker is less than 1 per cent by weight of the combination.

2. The said Act is amended by adding thereto the following sections:

Hazardous
materials
inventory

22a.—(1) An employer shall make or cause to be made and shall maintain an inventory of all hazardous materials that are present, used, handled or stored in the work place.

Idem

(2) The inventory required by subsection (1) shall,

- (a) identify the ingredients of a hazardous material by the genus and species if the ingredients are biological agents or by chemical and generic names if the ingredients are chemical agents;
- (b) indicate all areas in or at the work place where the material is or may be present, used, handled or stored; and
- (c) state its date of completion and the name or names of the person or persons who prepared it.

Idem

(3) The inventory required by subsection (1) shall be prepared in consultation with the joint health and safety committee, if any, and where no such committee exists, in consultation with a worker selected by the workers to represent them.

Exception

(4) An employer is not in contravention of clause (2) (a) if the employer has made every effort reasonable in the circumstances to identify or obtain the identity of the ingredients of a hazardous material.

Notification
of Ministry

(5) An employer shall advise a Director in writing if the employer, after making reasonable efforts, is unable to identify or obtain the identity of the ingredients of a hazardous material.

(6) An employer shall prepare a notice of change with respect to an inventory required by subsection (1) within fifteen days of, Changes in inventory

- (a) a hazardous material not in the inventory being brought into or being found to be in the work place; or
- (b) a hazardous material listed in the inventory ceasing to be present in the work place if it is not likely to be present in the work place in the foreseeable future.

(7) Where an inventory required by subsection (1) is amended during a year, the employer, not later than the 1st day of February in the following year, shall prepare a revised version of the inventory incorporating all changes made during the preceding year. Idem

(8) A copy of the most recent version of the inventory required by subsection (1) and every notice of change in relation thereto, forthwith after preparation, shall be, Inventory to be made available

- (a) posted by the employer in the work place in such a manner as to allow examination by the workers;
- (b) furnished by the employer to the joint health and safety committee, if any, or to a worker selected by the workers to represent them;
- (c) filed by the employer in the office of the Ministry nearest the work place and the Ministry, at the request of the worker shall make the filings of the worker's employer available for inspection by the worker; and
- (d) furnished by the employer to the fire department of the municipality in which the work place is located and to the medical officer of health of the health unit in which the work place is located.

(9) Upon the request of any person, the most recent version of an inventory and every notice of change in relation thereto furnished to a medical officer of health under subsection (8) shall be made available by the medical officer of health for inspection by the person. Public inspection of inventory

(10) The duty to maintain an inventory of hazardous materials as set out in subsection (1) does not apply to any Transition

employer until the day ninety days after this section comes into force.

Hazardous materials, labels and data sheets

22b.—(1) A person who brings into Ontario or who, in Ontario, distributes or supplies, directly or indirectly, or manufactures or produces a hazardous material for use in a work place shall ensure that,

- (a) every container of the material bears or has securely affixed to it a label containing such information and in such form as may be prescribed; and
- (b) an unexpired material safety data sheet for the material containing such information and in such form as may be prescribed is readily available.

Prohibition

(2) No person shall remove, alter or deface a label described in clause (1) (a) that is on a container.

Material safety data sheet where substantially same facts

(3) Where there are a number of hazardous materials each consisting of a mixture of the same or substantially the same biological or chemical agents and the specific composition of the materials varies from one mixture to another, one material safety data sheet may apply to the materials if the hazard is the same or substantially the same.

Expiry

(4) A material safety data sheet or re-issued material safety data sheet shall be deemed to expire three years after the date the information contained in it was compiled but may be re-issued.

Definition

(5) For the purpose of this Act, “material safety data sheet” means a material safety data sheet to which this section applies and includes a re-issued safety data sheet.

Duty of employer re: labels and data sheets

22c.—(1) An employer shall ensure that,

- (a) a container containing hazardous material received at the work place bears a label as prescribed by clause 22b (1) (a); and
- (b) that an unexpired material safety data sheet for the material is obtained by the employer.

Transfer of materials

(2) When hazardous material is transferred in a work place of an employer from a container that is labelled as required by clause 22b (1) (a) into another container, the employer shall ensure that the container into which the hazardous material is transferred bears or has securely affixed to it a label contain-

ing the same information as is set out in the label on the container in which the hazardous material was received.

(3) Subsection (2) does not apply so as to require the labelling of a container to which hazardous material is transferred if, Non-application

- (a) the transfer is made by a worker who uses the hazardous material forthwith following the transfer; or
- (b) the transfer is made into a container that, without further transfers, is intended to contain the material for the purposes of disposition in the retail market.

(4) An employer shall ensure that the unexpired material safety data sheet is available in English for examination by the workers who use or handle the material and by the joint health and safety committee, if any, and, if the majority language of the work place is not English, a copy of the material safety data sheet in the majority language shall also be kept available for such examination. Examination by workers

(5) An employer is not in contravention of clause (1) (b) if the employer has made every effort reasonable in the circumstances to obtain an unexpired material safety data sheet for the material. Exception

(6) An employer shall advise a Director in writing if the employer, after making reasonable efforts, is unable to identify or obtain the identity of the ingredients of a hazardous material. Notification of Ministry

22d.—(1) An express claim may be made in a material safety data sheet that information required by the regulations to be set out in the data sheet is being withheld because the information is a trade secret. Trade secrets

(2) Where a claim as described in subsection (1) is made in a material safety data sheet, the person who has a duty under clause 22b (1) (b) and the employer, if the hazardous material is in the employer's possession, shall notify a Director of the claim and the Director shall investigate and determine whether information being withheld is a trade secret. Investigation

(3) A Director may, in any case to which subsection (2) does not apply, initiate an investigation and determine whether information is being withheld. Idem

Powers of
Director

(4) For the purposes of an investigation under this section, the Director may exercise the powers conferred upon an inspector by subsection 28 (1).

Hearing by
District
Court

(5) Within fifteen days of receiving notice of a Director's determination under subsection (2) or (3), any person affected by the determination may apply to the District Court for a determination as to whether information withheld is a trade secret.

Power of
Director

(6) Where a Director determines that withheld information is not a trade secret and no application is made under subsection (5) within the fifteen day period referred to in that subsection, the Director shall direct or cause the material safety data sheet to be amended or not, as the case may be, in accordance with the determination.

Power of
District
Court

(7) Where the District Court determines that withheld information is not a trade secret, it may order such amendments as it considers necessary to the material safety data sheet.

Extension
of time

(8) The District Court may extend the time for making an application for a hearing under subsection (5) either before or after the expiration of the fifteen day period mentioned in that subsection if the court is satisfied that there are *prima facie* grounds for relief and that there are reasonable grounds for the extension.

Inventories

(9) This section applies with all necessary modifications where an employer has advised a Director that the employer, in preparing an inventory under section 22a, is unable to identify or obtain the identity of the ingredients of any hazardous material and the Director has reason to believe that the reason therefore is that the identity is being withheld as a trade secret.

Hazardous
physical
agents

22e.—(1) A person who brings into Ontario or who, in Ontario, distributes or supplies, directly or indirectly, or manufactures, produces or designs a thing for use in a work place that causes, emits or produces a hazardous physical agent when the thing is in use or operation shall ensure that information is readily available respecting the hazardous physical agent and the proper use or operation of the thing.

Duty of
employer

(2) Where an employer has a thing described in subsection (1) in the work place, the employer shall ensure that the information referred to in that subsection has been obtained and is kept available in the work place for workers who use or

operate the thing or who are likely to be exposed to the hazardous physical agent.

(3) An employer to whom subsection (2) applies shall post prominent notices identifying and warning of the hazardous physical agent in the part of the work place in which the thing is used or operated or is to be used or operated. Idem

(4) An employer shall ensure that the information required under subsection (2) is available in English and, if the majority language of the work place is not English, the majority language of the work place and that notices required by subsection (3) are posted in those languages. Majority language

22f.—(1) In addition to providing instruction and training to a worker as prescribed by clause 14 (2) (a), an employer shall ensure that a worker exposed or likely to be exposed to a hazardous material or to a hazardous physical agent receives, and that the worker participates in, instruction and training in, Instruction and training

- (a) the appraisal of information in the labels on containers containing hazardous materials, and material safety data sheets, and of information made available in relation to hazardous physical agents;
- (b) the purpose and significance of precautions, including emergency procedures, set out in any label or material safety data sheet or in any information made available in relation to hazardous physical agents;
- (c) the necessity of special precautionary measures and procedures, if any;
- (d) the health or safety hazards associated with exposure to the hazardous material or hazardous physical agent; and
- (e) the use, purpose and limitations of protective devices and equipment to be used or worn.

(2) The instruction and training to be given under subsection (1) shall be developed by the employer in consultation with the joint health and safety committee, if any. Idem

(3) An employer shall ensure that a worker is familiarized with the matters mentioned in subsection (1) and is rehearsed in their application through performance demonstration. Idem

Idem

(4) An employer shall review in consultation with the joint health and safety committee, if any, the training and instruction provided to a worker and the worker's familiarity therewith annually or at such other intervals as may be advised by the joint health and safety committee, if any.

3. Clause 28 (1) (l) of the said Act, exclusive of the subclauses, is repealed and the following substituted therefor:

- (l) require in writing, within such time as is specified, a person who is an employer, manufacturer, producer, importer, distributor or supplier to produce records or information, or to provide, at the expense of the person, a report or evaluation made or to be made by a person or organization having special, expert or professional knowledge or qualifications as are specified by the inspector of any process or biological, chemical or physical agents or combination of such agents present, used or intended for use in a work place and the manner of use, including,

4. Section 29 of the said Act is amended by adding thereto the following subsection:

Additional
orders

(4a) In addition to the orders that may be made under subsection (4), where an inspector makes an order under subsection (1) for a contravention of section 22b, 22c or 22e or a Director has been advised of an employer's inability to obtain an unexpired material safety data sheet, the inspector may order that the hazardous material shall not be used or that the thing that causes, emits or produces the hazardous physical agent not be used or operated until the order is withdrawn or cancelled.

5. Subsection 41 (2) of the said Act is amended by striking out "and" at the end of paragraph 22 and by adding thereto the following paragraph:

24. prescribing any biological or chemical agent as a hazardous material and any physical agent as a hazardous physical agent and naming any biological or chemical agent that when used as an ingredient is a hazardous material even though the ingredient is less than 1 per cent by weight of a combination.

6. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

7. The short title of this Act is the *Occupational Health and Safety Amendment Act, 1986*.

Short title

20N

56

Bill 102

An Act to amend the Denture Therapists Act

Mr. Swart



1st Reading April 22nd, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The Bill would amend the Act to refer to denturists rather than denture therapists and would permit denturists to make, repair and market partial dentures without requiring supervision by dentists.

Bill 102**1986****An Act to amend the Denture Therapists Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to the *Denture Therapists Act*, being chapter 115 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Denturists Act

2. Wherever in the said Act reference is made to a denture therapist, the reference shall be deemed to be to a denturist. Amendments to references

3.—(1) Clauses 1 (a) and (b) of the said Act are repealed and the following substituted therefor:

(a) “Appeal Board” means the Denturists Appeal Board continued under section 13;

(b) “Board” means the Governing Board of Denturists under section 2.

(2) Clause 1 (h) of the said Act is amended by striking out “or the practice of supervised denture therapy, as the case may be” in the sixth and seventh lines.

(3) Clause 1 (i) of the said Act is amended by striking out “or the practice of supervised denture therapy” in the second and third lines.

(4) Clause 1 (j) of the said Act is amended by striking out “or the practice of supervised denture therapy” in the third line.

(5) Clause 1 (l) of the said Act is repealed and the following substituted therefor:

(l) “practice of denture therapy” means,

- (i) the taking of impressions or bite registrations for the purpose of, or with a view to, the making, producing, reproducing, constructing, furnishing, supplying, altering or repairing of any removable prosthetic denture,
- (ii) the fitting of any removable prosthetic denture, and
- (iii) the making, producing, reproducing, constructing, furnishing, supplying, altering and repairing of removable prosthetic dentures in respect of which a service is performed under subclause (i) or (ii).

(6) Clause 1 (m) of the said Act is repealed.

4.—(1) Subsection 2 (1) of the said Act is repealed and the following substituted therefor:

Governing
Board of
Denturists

(1) The Governing Board of Denture Therapists is continued and shall be known as the Governing Board of Denturists and composed of members appointed by the Lieutenant Governor in Council.

(2) Clause 2 (9) (a) of the said Act is amended by striking out “and the practice of supervised denture therapy” in the first and second lines.

(3) Clause 2 (9) (c) of the said Act is amended by striking out “and the practice of supervised denture therapy” in the third and fourth lines.

5.—(1) Subsection 3 (1) of the said Act is amended by striking out “or the practice of supervised denture therapy” in the fourth and fifth lines.

(2) Subsection 3 (3) of the said Act is amended by striking out “or the practice of supervised denture therapy” in the second and third lines and in the fifth line.

6.—(1) Subsection 4 (5) of the said Act is amended by striking out “or the practice of supervised denture therapy” in the third and fourth lines.

(2) Subsections 4 (6), (7), (8) and (9) of the said Act are repealed and the following substituted therefor:

(6) No licensed denturist shall perform any act in the practice of dentistry except within the scope of the practice of denture therapy performed in the manner required by this Act.

Acts outside
scope of
practice

7. Subsection 13 (1) of the said Act is repealed and the following substituted therefor:

(1) The Denture Therapists Appeal Board is continued and shall be known as the Denturists Appeal Board.

Denturists
Appeal
Board

8. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

9. The short title of this Act is the *Denture Therapists Amendment Act, 1986*.

Short title

Bill 103

An Act to revise the Election Finances Reform Act and to amend certain other Acts respecting Election Financing

The Hon. R. Nixon

Treasurer of Ontario and Minister of Economics

1st Reading June 24th, 1986

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTES

The Bill represents the first major revision of the *Election Finances Reform Act* since its enactment in 1975. Among the principal features of the new *Election Finances Act* proposed by the Bill are the following:

1. The limit on the maximum amount that may be contributed by any person, corporation or trade union in any year to a political party is increased from \$2,000 to \$4,000 and the annual limit on the maximum amount that may be contributed to a constituency association is increased from \$500 to \$750, with a limit of an aggregate of \$3,000 in respect of the constituency associations of each party.
2. The limit on the maximum additional amounts that may be contributed in a campaign period is increased from \$2,000 to \$4,000 to each political party and from \$500 to \$750 to a candidate, with a limit of an aggregate of \$3,000 in respect of the candidates of each party.
3. Complementary to the increase in the permitted contributions, the maximum deduction that may be made from a corporation's taxable income under the *Corporations Tax Act* in respect thereof is increased from \$4,000 to \$7,000 and the amount of the tax credit under the *Income Tax Act* in respect of contributions is increased to 75 per cent of the amount contributed up to \$200, \$150 plus 50 per cent of the amount contributed that exceeds \$200 but does not exceed \$800 and the lesser of,
 - (a) \$450 plus one-third of the amount contributed that exceeds \$800; and
 - (b) \$750.
4. A number of other monetary limits have been increased, for example, the limit of \$10 that may be contributed in cash is raised to \$25, an anonymous contribution at a meeting may be accepted up to \$25 rather than \$10, annual membership fees that are not considered a contribution may be up to \$25 rather than \$10 and trade union check-offs permitted are increased from 10 cents to 15 cents per month.
5. A limitation is placed on the amounts that may be expended during an election campaign by political parties and by candidates and their supporting constituency associations. For a political party, the maximum expenditure in a general election is 40 cents per elector in each electoral district in which there is a candidate for the party; for a candidate and his or her constituency association, the maximum expenditure is \$2 for each of the first 15,000 electors in the candidate's electoral district, \$1 for each of the next 10,000 electors and 25 cents for each of the number of electors in excess of 25,000. In Northern Ontario (Cochrane North, Rainy River, Kenora, Lake Nipigon, Algoma and Nickel Belt) an additional \$5,000 may be expended by a candidate.
6. Subsidies are payable out of public moneys to political parties and to candidates in respect of campaign expenses. For a political party the amount of the subsidy is 5 cents for each elector in an electoral district in which the party receives at least 15 per cent of the popular vote; for a candidate who receives at least 15 per cent of the popular vote in the electoral district the amount of the subsidy is the lesser of the actual campaign expenses and the amount equal to 20 cents for each dollar of actual campaign expenses up to the maximum expenditure limit. In Northern Ontario an additional \$5,000 subsidy will be paid to such a candidate.
7. Contests for the leadership of a political party will be governed by the proposed new Act. Leadership contestants will be required to register with the Commission and to make disclosure of the contributions received and the

expenditures made in relation to the leadership contest. No limits are placed on the amounts that may be contributed or the amounts that may be expended and no tax credits are provided for. Constituency associations may not contribute to a leadership contestant; any surplus is to be paid over to the party whose leadership was contested.

8. On the *Representation Act, 1986* receiving Royal Assent all registered constituency associations are deemed deregistered; the chief financial officer is to hold the funds not required to pay outstanding debts in trust and to pay the balance to the constituency association or associations registered in succession thereto in such proportion as the relevant political party determines. New constituency associations consistent with the newly established electoral districts under the *Representation Act, 1986* may forthwith apply for registration; provision is made for the registration of a deregistered constituency association in the event an election is called before the *Representation Act, 1986* takes effect.
9. The name of the existing Commission on Election Contributions and Expenses is changed to the Commission on Election Finances; the term of the chairman is reduced from 10 years to 5 years, but an incumbent may be reappointed for one additional term.
10. A number of administrative changes have been made arising out of the experience of the Commission since the inception of the Act in 1975 and are designed to clarify or simplify a number of provisions that have created some difficulty in interpretation and administration.

Bill 103

1986

**An Act to revise the Election Finances
Reform Act and to amend certain other Acts
respecting Election Financing**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Definitions

“*bona fide* news reporting” includes interviews, commentaries or other works prepared for and published by any newspaper, magazine or other periodical publication or broadcast on the facilities of any broadcasting undertaking without charge to any political party, constituency association or candidate registered under this Act;

“broadcasting undertaking” means a broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada);

R.S.C. 1970,
c. B-11

“by-election” means an election other than a general election;

“campaign expense” means any expense incurred in relation to an election by or on behalf of a political party, constituency association or candidate registered under this Act during the period commencing with the issue of a writ for an election and terminating on polling day, other than,

- (a) expenses incurred by a candidate in seeking nomination in accordance with the *Election Act, 1984*, 1984, c. 54
- (b) a candidate’s deposit as required under the *Election Act, 1984*,
- (c) auditor’s and accounting fees,
- (d) interest on loans authorized under section 36,
- (e) expenses incurred in holding a fund-raising function referred to in section 24,

- (f) expenses incurred for “victory parties” held and “thank you” advertising published after polling day,
- (g) expenses incurred in relation to the administration of the political party or constituency association,
- (h) transfers authorized under section 28,
- (i) fees paid in respect of maintaining a credit card facility, and
- (j) expenses relating to a recount in respect of the election,

but shall be deemed to include the value of any goods held in inventory for any candidate for use during a campaign period;

“campaign period” means the period commencing with the issue of a writ for an election and terminating three months after polling day;

“candidate” means,

1984, c. 54

- (a) a person who is duly nominated as a candidate for an electoral district in accordance with the *Election Act, 1984* by filing nomination papers with the returning officer for that electoral district following the issue of a writ of election,
- (b) a person who is nominated by a constituency association of a registered party in an electoral district as the official candidate of such party in the electoral district, or
- (c) a person who, on or after the date of the issue of a writ for an election in an electoral district, declares himself or herself to be an independent candidate at the election in the electoral district;

“Commission” means the Commission on Election Finances;

“constituency association”, in an electoral district, means the association or organization endorsed by a registered party as the official association of that party in the electoral district;

“contribution” does not include,

- (a) any goods produced for any political party, constituency association, candidate or leadership contestant by voluntary unpaid labour,
- (b) any service actually performed for any political party, constituency association, candidate or leadership contestant by an individual voluntarily, so long as such individual does not receive from his or her employer or from any person, corporation or trade union pursuant to an arrangement with the individual's employer, compensation in excess of that which he or she would normally receive during the period such service was performed, and
- (c) any moneys, goods or services solicited by or donated to a political party, constituency association, candidate or leadership contestant for purposes other than the purposes set forth in subsections 10 (1), 11 (1), 14 (2) and 15 (1), respectively;

“election” means an election to elect a member or members to serve in the Assembly;

“general election” means an election in respect of which election writs are issued for all electoral districts;

“leadership contest period” means the period commencing with the date of the official call for a leadership convention as set forth in the statement filed by a registered party under subsection 15 (2) and terminating two months after the date of the leadership vote; ‘

“leadership contestant” means a person seeking election as leader of a registered party at a leadership convention called by that party for the purpose;

“leadership vote” means the date on which polling takes place to elect a leader of a registered party at a leadership convention;

“outdoor advertising facilities” means facilities, other than radio and television and newspapers, magazines and other periodical publications, of any person or corporation that is in the business of providing such facilities on a commercial basis for advertising purposes;

“person” includes a candidate but does not include a corporation or trade union;

1984, c. 54 “polling day” means the day fixed under the *Election Act, 1984* for holding the poll at an election;

“registered candidate” means a candidate registered under this Act;

“registered constituency association” means a constituency association registered under this Act;

“registered leadership contestant” means a leadership contestant registered under this Act;

“registered party” means a political party registered under this Act;

R.S.O. 1980, c. 228, “trade union” means a trade union as defined by the *Labour Relations Act* or the *Canada Labour Code* that holds bargaining rights for employees in Ontario to whom those Acts apply and includes any central, regional or district labour council located in Ontario;
R.S.C. 1970, c. L-1

“year” means calendar year.

Associated corporations
R.S.C. 1952, c. 148

(2) Where a corporation is associated with another corporation under section 256 of the *Income Tax Act* (Canada) and where one or both of those associated corporations does not or do not carry on an active business as that expression is defined in paragraph 125 (6) (d) of the *Income Tax Act* (Canada), the two associated corporations shall be considered as a single corporation for the purposes of this Act.

Contested constituency nominations

(3) This Act does not apply to campaigns and conventions carried on or held in relation to contested constituency nominations for endorsement of official party candidates.

Existing funds in trust

(4) This Act does not apply to,

- (a) funds held in trust at 3 o'clock in the afternoon of the 13th day of February, 1975; and
- (b) funds raised before the expiration of thirty days after the 13th day of February, 1975 by a fund-raising function organized before that day that are placed in trust,

for the purposes of a constituency association or the future candidacy of any person at an election or a future election campaign of any person, but the trustee or trustees of each such trust shall,

- (c) within sixty days after the 2nd day of May, 1975, report in writing to the Commission the existence of such trust and the total amount of the funds therein;
- (d) maintain the funds remaining in the trust from time to time on deposit with a financial institution that is lawfully entitled to accept deposits or in investments authorized for trust moneys by the *Trustee Act*;
- (e) not permit funds or other property to be added to the trust other than interest on the amounts on deposit or the income from the investments referred to in clause (d);
- (f) file with the Commission on or before the 30th day of April in each year a report of the expenditures from the trust during the previous year and the trustee's declaration that he or she has complied with the provisions of clauses (d) and (e); and
- (g) when the trust is terminated, forthwith notify the Commission thereof.

R.S.O. 1980,
c. 512

COMMISSION ON ELECTION FINANCES

2.—(1) The commission heretofore known as the Commission on Election Contributions and Expenses is continued under the name Commission on Election Finances and shall be composed of,

Commission
continued

- (a) two persons as nominees of each political party that is represented in the Assembly by four or more members of the Assembly and that nominated candidates in at least 50 per cent of the electoral districts in the most recent general election appointed, on the recommendation of the leader of the party, by the Lieutenant Governor in Council for a term of not more than five years;
- (b) a bencher of the Law Society of Upper Canada appointed by the Lieutenant Governor in Council for a term of not more than five years to hold office only while he or she remains a bencher;
- (c) the Chief Election Officer; and
- (d) the chairman of the Commission who shall be appointed by the Lieutenant Governor in Council for a term of five years.

Vice-chairman

(2) The members of the Commission shall elect one of the members appointed under clause (1) (a) as vice-chairman to serve as such for not more than two years.

Absence of chairman

(3) In the absence of the chairman, the vice-chairman may act as chairman.

Meetings

(4) The Commission shall meet on the call of the chairman or of five or more members.

Quorum

(5) Five or more members of the Commission and the chairman or vice-chairman constitute a quorum.

Members not to hold office with or contribute to party or constituency association

(6) Members of the Commission shall not, during their term of office, be members of the Assembly, candidates at an election or leadership contestants or hold office in any political party or constituency association or make contributions to any political party or constituency association registered under this Act.

Reappointment

(7) Any member of the Commission, including the chairman, may be reappointed for one additional term.

Remuneration of members

(8) The chairman of the Commission shall be paid such salary and the other members except the Chief Election Officer shall be paid such *per diem* allowances as may be determined by the Lieutenant Governor in Council.

Staff

3.—(1) The Commission may employ an Executive Director, legal counsel, auditors and such staff as it considers necessary to properly carry out its responsibilities under this Act.

Office accommodation and supplies

(2) The Commission may lease such premises and acquire such equipment and supplies as are necessary to properly carry out its responsibilities under this Act.

Powers and duties

4.—(1) The Commission, in addition to its other powers and duties under this Act, shall,

- (a) assist political parties, constituency associations, candidates and leadership contestants registered under this Act in the preparation of returns required under this Act;
- (b) ensure that every registered constituency association, registered candidate and registered leadership contestant has appropriate auditing services in order to properly comply with this Act;

- (c) examine all financial returns filed with the Commission;
- (d) conduct periodic investigations and examinations of the financial affairs and records of registered political parties, registered constituency associations, registered candidates and registered leadership contestants in relation to election campaigns;
- (e) reimburse candidates and political parties for election expenses in accordance with section 46;
- (f) recommend any amendments to this Act that the Commission considers advisable;
- (g) report to the Attorney General any apparent contravention of this Act;
- (h) prescribe forms and the contents thereof for use under this Act and provide for their use;
- (i) prepare, print and distribute forms for use under this Act;
- (j) provide such guidelines for the proper administration of this Act as it considers necessary for the guidance of auditors, political parties, constituency associations, candidates and leadership contestants and any of the officers thereof; and
- (k) publish, in respect of each campaign period, a joint summary of the income, expenses and subsidy of each candidate, together with the income and expenses of the constituency association endorsing the candidacy of that candidate, in a newspaper or newspapers having a general circulation in the electoral district in which the candidate stood for election.

(2) The Commission shall report annually upon the affairs of the Commission to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Annual
report

(3) The Commission shall, within sixty days following the campaign period in respect of each general election, make recommendations to the Speaker of the Assembly with respect to,

Recommen-
dations
to Speaker

- (a) changes in limits on contributions to registered constituency associations, candidates or political parties;
- (b) changes in limits on campaign expenses which may be incurred during a campaign period by candidates or political parties;
- (c) changes in levels of public funding of candidates or political parties;
- (d) changes in public funding of auditor's fees charged to constituency associations, candidates, political parties and leadership contestants; and
- (e) any other changes in monetary limits that it considers appropriate,

and the Speaker shall cause such recommendations to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Powers of
Commission
under
R.S.O. 1980,
c. 411

5. For the purpose of carrying out any investigation or examination under this Act, the Commission has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such investigation or examination as if it were an inquiry under that Act.

Powers of
inspection

6. For the purposes of an investigation or examination under this Act, a representative of the Commission, upon production of an authorization from the Commission to enter the premises (referred to in the authorization) in which the books, papers and documents of a political party, constituency association, candidate or leadership contestant relevant to the subject-matter of the investigation or examination are kept, may at any reasonable time enter such premises and examine such books, papers and documents.

Information

7. Such information with respect to the affairs of a registered party, registered constituency association, registered candidate or registered leadership contestant that is reasonably required in respect of its duties under this Act as the Commission may request shall be provided by the registered party, registered constituency association, registered candidate or registered leadership contestant within thirty days after receiving a written request therefor from the Commission or within such extended period as the Commission may determine.

8. The remuneration of the members of the Commission and the expenditures required for the operation of the Commission are payable out of moneys appropriated therefor by the Legislature. Expenditures
of
Commission

9. The accounts and financial transactions of the Commission shall be audited annually by the Provincial Auditor. Audit

REGISTRATION

10.—(1) No political party and no person, corporation or trade union acting on behalf of the political party shall accept contributions for the purposes of the political party or for the purposes of any constituency association or for the candidacy of any person at an election or for an election campaign of any person unless the political party is registered under this Act. Registration
of parties

- (2) Any political party that, Qualifications
for
registration
- (a) nominates candidates in at least 50 per cent of the electoral districts following the issue of a writ for a general election; or
 - (b) at any time other than during a campaign period and within one year of the Commission making a determination under subsection (7) that the name of the political party and the abbreviation thereof, if any, is registrable, provides the Commission with the names, addresses and signatures of 10,000 persons who,
 - (i) are eligible to vote in an election, and
 - (ii) endorse the registration of the political party concerned,

may apply to the Commission for registration in the register of political parties.

(3) The Commission shall maintain a register of political parties and subject to this section shall register therein any political party that is qualified to be registered and that files an application for registration with the Commission, setting out, Application
for
registration

- (a) the full name of the political party;
- (b) the political party name or abbreviation to be shown in any election documents;

- (c) the name of the leader of the political party;
- (d) the address of the place or places in Ontario where records of the political party are maintained and of the place in Ontario to which communications may be addressed;
- (e) the names of the principal officers of the political party;
- (f) the name of the chief financial officer of the political party;
- (g) the names of all persons authorized by the political party to accept contributions;
- (h) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by the political party as the depositories for contributions made to that political party;
- (i) the names of the political party signing officers responsible for each depository referred to in clause (h); and
- (j) a statement of the assets and liabilities of the political party as of a date not earlier than ninety days prior to the date of its application for registration attested to by the chief financial officer.

Registration
by
Commission

(4) Upon receipt of an application for registration of a political party, the Commission shall examine the application and determine if the political party can be registered, and,

- (a) if the political party can be registered, enter it in the register of political parties and so inform the political party; or
- (b) if the political party cannot be registered, so inform the political party with written reasons for its determination.

Name of
political
party

(5) The Commission shall not register a political party where the name of the party includes the word "independent" or where, in the opinion of the Commission the name or the abbreviation of the name of the party so nearly resembles the name, abbreviation of the name or sobriquet of a registered party as to be likely to be confused with that registered party.

(6) Where any change in the information referred to,

Variation
of register

- (a) in clause (3) (a) or (b) is proposed to be made, the registered party shall notify the Commission in writing of the proposed change and, unless the Commission determines that the proposed change is so significant as to constitute an entirely new name or abbreviation, the Commission shall, subject to subsection (5), vary the register of political parties accordingly; or
- (b) in clauses (3) (c) to (i) occurs, the registered party shall notify the Commission in writing within thirty days of such alteration and, upon receipt of such notice, the Commission shall vary the register of political parties accordingly.

(7) A political party which intends to apply to the Commission for registration under clause (2) (b) shall, prior to canvassing for signatures for the purpose, submit to the Commission the full name of the political party and the abbreviation thereof, if any, and the Commission shall determine whether the name and abbreviation thereof, if any, is registrable in accordance with subsection (5).

Submission
of name to
Commission

(8) Where the Commission determines that the name and abbreviation thereof, if any, of a political party is registrable, that name and abbreviation thereof, if any, shall be reserved for the political party for a period of one year following the date that the Commission makes the determination and, during the period, the political party shall be deemed to be a registered political party for the purposes of subsection (5).

Reservation
of name

11.—(1) No constituency association of a registered party and no person, corporation or trade union acting on behalf of the constituency association shall accept contributions for the purposes of the constituency association or for the purposes of the registered party or for the candidacy of any person at an election or for an election campaign of any person unless the constituency association is registered under this Act.

Registration
of
constituency
associations

(2) The Commission shall maintain a register of constituency associations and, subject to this section, shall register therein any constituency association of a registered party that files an application for registration with the Commission setting out,

Application
for
registration

- (a) the full name of the constituency association and of the registered party by which it is endorsed;

- (b) the address of the place or places in Ontario where records of the constituency association are maintained and of the place in Ontario to which communications may be addressed;
- (c) the names of the principal officers of the constituency association;
- (d) the name of the chief financial officer of the constituency association;
- (e) the names of all persons authorized by the constituency association to accept contributions;
- (f) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by the constituency association as the depositories for all contributions made to that constituency association;
- (g) the names of the constituency association signing officers responsible for each depository referred to in clause (f); and
- (h) a statement of the assets and liabilities of the constituency association as of a date not earlier than ninety days prior to the date of its application for registration attested to by the chief financial officer.

Registration
by
Commission

(3) Upon receipt of an application for registration of a constituency association, the Commission shall examine the application and determine if the constituency association can be registered and,

- (a) if the constituency association can be registered, enter it in the register of constituency associations and so inform the constituency association; or
- (b) if the constituency association cannot be registered, so inform the constituency association with written reasons for its determination.

Variation
of register

(4) Where any of the information referred to in clauses (2) (a) to (g) is altered, the registered constituency association shall notify in writing the Commission within thirty days of any such alteration and, upon receipt of any such notice, the Commission shall vary the register of constituency associations accordingly.

12.—(1) Every political party and every constituency association that is registered under the *Election Finances Reform Act* on the day before this Act comes into force shall be deemed to be registered under this Act.

Certain political parties and constituency associations deemed registered
R.S.O. 1980, c. 134

(2) All registered constituency associations shall be deemed to be deregistered on the day after the day Royal Assent is given to the *Representation Act, 1986*, and notwithstanding subsection 13 (7), all funds of any association not required to pay outstanding debts shall be held by its chief financial officer in trust for disposition in accordance with subsection (4).

Deregistration of constituency associations
1986, c....

(3) A new constituency association, consistent with the newly established electoral districts under the *Representation Act, 1986*, may forthwith apply for registration under section 11.

Registration of new constituency associations

(4) The chief financial officer of a constituency association that has been deregistered under subsection (2) shall be deemed for the purposes of subsection 45 (1) to have ceased to hold office as such on the day on which the constituency association is deregistered but notwithstanding that such chief financial officer no longer holds office, notwithstanding any other provision of this Act, he or she shall be responsible,

Responsibility of chief financial officer

- (a) for recording as to amount and source each contribution accepted after the constituency association is deregistered under subsection (2) and before a new constituency association is registered in accordance with subsection (3), but no later than the 1st day of September, 1986, and for depositing the amounts in a trust account maintained in a chartered bank, trust company or other institution in Ontario that is lawfully entitled to accept deposits and for turning over the amounts and records as to source to the chief financial officer of the constituency association or associations registered in succession thereto forthwith upon its or their registration in accordance with subsection (3), who shall be responsible for issuing receipts therefor; and
- (b) for paying outstanding debts from funds which he or she holds in trust and for paying over any balance or charging any liability to the chief financial officer of the constituency association or associations registered in succession thereto forthwith upon its or their registration in accordance with subsection (3) in such proportions as the registered political party

endorsing such association or associations determines.

Registration of constituency associations *pro tem* for general election or by-election 1986, c...

(5) In the event the Legislature is dissolved before the 1st day of September, 1986, or in the event a by-election is called before the day the *Representation Act, 1986* comes into force, and if all registered constituency associations have been deregistered under subsection (2), a registered party may authorize the registration with the Commission of constituency associations or of a particular constituency association *pro tem* for the purposes of the general election following the dissolution of the Legislature or for the purposes of the by-election and any such constituency associations or association have or has all the powers and responsibilities of a registered constituency association under this Act.

Deregistration of parties and constituency associations, on application

13.—(1) The Commission may deregister,

- (a) a registered party on an application therefor by the registered party; or
- (b) a registered constituency association on an application therefor by the constituency association and the registered party concerned.

For non-compliance with certain provisions of Act

(2) The Commission may deregister,

- (a) a registered party where no registered constituency association of that party nominates a candidate at a general election or where the registered party fails to comply with subsection 10 (6), 34 (3) or 45 (3) or where the chief financial officer of the political party fails to comply with section 42 or 43; or
- (b) a registered constituency association where the constituency association fails to comply with subsection 11 (4), 34 (3) or 45 (3) or where the chief financial officer of the constituency association fails to comply with section 42 or 43.

Notice of proposal to deregister party or association

(3) Where under subsection (2) the Commission proposes to deregister,

- (a) a political party, it shall send by registered mail notice of its proposal with written reasons therefor to the political party; or
- (b) a constituency association, it shall send by registered mail notice of its proposal with written rea-

sons therefor to the constituency association and the political party concerned,

and the political party or constituency association so notified, within thirty days after the sending of the notice, may request the Commission in writing to review its proposal.

(4) Where the Commission receives a written request to review its proposal, it shall review the proposal and give the political party and constituency association notified under subsection (3) an opportunity to make representation to the Commission and following a review of the proposal the Commission may withdraw its proposal or deregister the political party or constituency association, as the case may be, and shall, Review

- (a) where the proposed deregistration involves a political party, notify it in writing; and
- (b) where the proposed deregistration involves a constituency association, notify in writing the constituency association and the political party concerned,

of its decision.

(5) Where a political party is deregistered, the registered constituency associations of such political party are thereby also deregistered. Party and associations thereof deregistered

(6) Where a political party or constituency association is deregistered for failure to comply with section 42 or 43 or subsection 45 (3), it may not apply for registration until the financial statements as required by section 42 or 43 or subsection 45 (3), together with the auditor's report thereon as required by subsection 41 (4), that were not filed have been filed with the Commission. Reregistration

(7) Where a political party or constituency association is deregistered, all funds of the political party or constituency association not required to pay any outstanding debts thereof shall be paid over to the Commission and held by the Commission in trust for the political party or constituency association and, if the political party or constituency association does not become registered under this Act within a period of two years following its deregistration, the funds shall escheat to the Commission to be used by the Commission in carrying out its responsibilities under this Act. Disposition of funds upon deregistration

(8) Where a registered party or a registered constituency association applies to the Commission for deregistration under Duty of chief financial officer

subsection (1), the chief financial officer of the registered party or constituency association shall, at the same time, file with the Commission financial statements of assets and liabilities and of income and expenses of the political party or constituency association, as the case may be, for which he or she acted for the period commencing with the day immediately following the most recent period for which a financial statement has been filed with the Commission under section 42 or this section and ending on the last day upon which any financial activity of the political party or the constituency association, as the case may be, has occurred, together with the auditor's report thereon as required by subsection 41 (4).

Registration
of candidate

14.—(1) Every candidate shall, prior to the polling day, file with the Commission an application for registration under this Act.

Idem

(2) No person and no person, corporation or trade union acting on behalf of such person and, except as provided under subsections 10 (1) and 11 (1), no political party or association or organization thereof acting on behalf of such person, shall accept contributions for the candidacy of such person at an election or for an election campaign of such person unless such person is a candidate registered under this Act.

Application
for
registration

(3) The Commission shall maintain a register of candidates in relation to each election and, subject to this section, shall register therein any candidate that files an application for registration with the Commission setting out,

(a) that the candidate,

1984, c. 54

(i) has been duly nominated in accordance with the *Election Act, 1984* by filing nomination papers with the returning officer in an electoral district following the issue of a writ of election, together with the name of the electoral district,

(ii) has not been so nominated in accordance with the *Election Act, 1984* but has been nominated by a constituency association registered under this Act and has enclosed with the application a statement to that effect by the chief financial officer of the constituency association, together with the name of the constituency association and the electoral district, or

1984, c. 54

(iii) has not been so nominated in accordance with the *Election Act, 1984* but, after the issue of a

writ for an election in an electoral district, has declared as an independent candidate at the election in that electoral district, together with the name of the electoral district;

- (b) the full name and address of the candidate;
- (c) the political party affiliation, if any, of the candidate;
- (d) the address of the place or places in Ontario where records of the candidate are maintained and of the place in Ontario to which communications may be addressed;
- (e) the name of the auditor and chief financial officer of the candidate;
- (f) the names of all persons authorized by the candidate to accept contributions;
- (g) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by or on behalf of the candidate as the depositories for all contributions made to that candidate; and
- (h) the names of the persons responsible for each depository referred to in clause (g).

(4) A candidate who files an application under subsection (3),

Effective date of registration

- (a) prior to the issue of a writ for an election shall be deemed to be registered effective from the issue of the writ; and
- (b) after the issue of a writ for an election shall be deemed to be registered on the day of filing.

(5) An application under subsection (3) may be filed with the Commission by registered mail in which case it shall be deemed to be filed on the day it is mailed.

Mailing of application deemed filing

(6) Where a registered candidate withdraws his or her candidacy prior to polling day or fails to file nomination papers with the returning officer under the *Election Act, 1984* or dies prior to polling day, the campaign period with respect to that candidate is deemed to expire on the day of the withdrawal of the candidacy, on nomination day or on the day of his or her

Where candidate withdraws, etc.
1984, c. 54

death, whichever first occurs, and the chief financial officer for that candidate shall file with the Commission the statement referred to in section 43 within sixty days after the expiration of the campaign period with respect to that candidate.

Registration
of leadership
contestant

15.—(1) No person and no person, corporation or trade union acting on behalf of that person and no political party or association or organization thereof acting on behalf of that person shall accept contributions for the candidacy of that person for the leadership of a registered party or for a leadership campaign of that person unless that person is a leadership contestant registered under this Act.

Notice of
leadership
convention

(2) A registered political party that proposes to hold a leadership convention shall file with the Commission a statement setting forth the date of the official call of the leadership convention and the date fixed for the leadership vote.

Application
for
registration

(3) The Commission shall maintain a register of leadership contestants in relation to each leadership convention and, subject to this section, shall register therein any leadership contestant that files an application for registration with the Commission setting out,

- (a) the full name of the leadership contestant;
- (b) the address of the place or places in Ontario where records of the leadership contestant are maintained and of the place in Ontario to which communications may be addressed;
- (c) the names of the principal officers, including the chief financial officer and auditor, of the leadership contestant;
- (d) the names of all persons authorized by the leadership contestant to accept contributions;
- (e) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by or on behalf of the leadership contestant as the depositories for all contributions made to that leadership contestant;
- (f) the names of the persons responsible for each depository referred to in clause (e); and
- (g) the certification of the registered party that the leadership contestant has met the constitutional

requirements of that party for eligibility to contest the leadership of that party.

(4) An application under subsection (3) shall not be filed with the Commission prior to the date of the official call of the leadership convention and unless the registered party that proposes to hold such leadership convention has filed with the Commission the statement referred to in subsection (2).

Time for
filing
application

(5) A leadership contestant who files an application under subsection (3) shall be deemed to be registered on the day of filing.

Deemed
registered
on day of
filing

16.—(1) All documents filed with the Commission are public records and may be inspected by any person upon request at the offices of the Commission during normal office hours.

Inspection
of informa-
tion on
file with
Commission

(2) Any person may take extracts from the documents referred to in subsection (1) and is entitled to copies thereof upon payment for the preparation of the copies at such rate as the Commission may determine.

Extracts

(3) No person, corporation or trade union shall use any of the information contained in any document filed with the Commission for purposes of commercial solicitation.

Not to be
used for
commercial
solicitation

CONTRIBUTIONS

17.—(1) Contributions to political parties, constituency associations, candidates and leadership contestants registered under this Act may be made only by persons individually, corporations and trade unions.

Contributors
and how
contributions
to be made

(2) Moneys contributed to political parties, constituency associations, candidates or leadership contestants registered under this Act in amounts in excess of \$25 shall be made only by,

How contri-
butions of
money to
be made

- (a) a cheque having the name of the contributor legibly printed thereon and drawn on an account in the contributor's name;
- (b) a money order signed by the contributor; or
- (c) in the case of moneys contributed by an individual, the use of a credit card having the name of the individual contributor imprinted or embossed thereon.

Depositing of
contributions

(3) All moneys accepted by or on behalf of a political party, constituency association, candidate or leadership contestant registered under this Act shall be paid into the appropriate depository on record with the Commission.

Return of
contributions
made in
contravention
of Act

18.—(1) Where the chief financial officer learns that any contribution received by or on behalf of the political party, constituency association, candidate or leadership contestant for whom he or she acts was made or received in contravention of any provision of this Act, the chief financial officer shall, within thirty days after learning that the contribution was made contrary to this Act and upon obtaining the contributor's copy of the receipt issued under section 26 in respect of that contribution, return the contribution or an amount equal to the sum contributed.

Anonymous,
etc., contri-
butions

(2) Any contribution not returned to the contributor in accordance with subsection (1) or any anonymous contribution received by a political party, constituency association, candidate or leadership contestant registered under this Act shall not be used or expended, but shall be paid over to the Commission and become part of the funds of the Commission to be used by the Commission in carrying out its responsibilities under this Act.

Limitation on
contributions

19.—(1) Contributions by any person, corporation or trade union to political parties, constituency associations and candidates registered under this Act are limited to those set out in clauses (a) and (b) and shall not exceed,

(a) in any year,

(i) \$4,000 to each registered party, and

(ii) \$750 to any registered constituency association, but in respect of registered constituency associations of a registered party, an aggregate of \$3,000 to constituency associations of each registered party; and

(b) in any campaign period in addition to contributions authorized under clause (a),

(i) \$4,000 in relation to the election in such period to each registered party, and

(ii) \$750 in relation to the election in such period to any registered candidate, but in respect of candidates endorsed by a registered party, an

aggregate of \$3,000 to registered candidates of each registered party.

(2) Where writs for two or more by-elections bear the same date and provide for the same polling day, all such by-elections shall be deemed one election for the purposes of clause (1) (b). By-elections

(3) Any moneys used for a political campaign by a registered candidate out of the candidate's own funds shall be considered to be a contribution for the purposes of this Act and every registered candidate shall submit to the candidate's chief financial officer a statement in writing setting forth all campaign expenses paid or to be paid out of the candidate's own funds, together with all receipts and claims therefor, within three months after polling day. Candidate's funds considered contribution

20.—(1) Subject to section 32, no person, corporation or trade union shall contribute to any political party, constituency association, candidate or leadership contestant registered under this Act funds not actually belonging to the person, corporation or trade union or any funds that have been given or furnished by any person or group of persons or by a corporation or trade union for the purpose of making a contribution thereof. Contributor to contribute only funds belonging to contributor

(2) No political party, constituency association, candidate or leadership contestant registered under this Act, and no person on its, his or her behalf shall solicit or knowingly accept any contribution contrary to subsection (1). Prohibition to accept contributions contrary to subs. (1)

21. No political party, constituency association, candidate or leadership contestant registered under this Act shall accept funds from a federal political party registered under the *Election Expenses Act* (Canada) except that during a campaign period a registered party may accept from such a federal political party an amount not exceeding, in the aggregate, \$100 for each registered candidate endorsed by that registered party and such funds shall be considered not to be contributions for the purposes of this Act but shall be recorded as to source and deposited in the appropriate depository on record with the Commission. Funds from federal parties
1973-74
c. 51 (Can.)

22.—(1) The value of goods and services, other than those that are not contributions by reason of the definition of "contribution" in subsection 1 (1), provided to a political party, constituency association, candidate or leadership contestant registered under this Act shall be, Value of goods and services

- (a) where the contributor is in the business of supplying such goods or services, the lowest amount charged by the contributor for an equivalent amount of similar goods and services at or about the time and in the market area in which the goods or services are provided; and
- (b) where the contributor is not in the business of supplying such goods or services, the lowest amount charged, at or about the time the goods or services are provided, by any other person or corporation providing similar goods on a commercial retail basis or similar services on a commercial basis in the market area in which the goods or services are provided.

Amounts of \$100 or less may be considered not a contribution

(2) The provision of goods or services to a political party, constituency association, candidate or leadership contestant registered under this Act in any year, excluding any campaign period or part thereof in that year, or in any campaign period, having a value, in the aggregate, of \$100 or less may, at the option of the person, corporation or trade union providing such goods or services, be considered not to be a contribution for the purposes of this Act.

Where goods or services provided for price less than value determined under subs. (1)

(3) Where goods or services are provided to a political party, constituency association, candidate or leadership contestant registered under this Act for a price that is less than the value of the goods or services as determined under subsection (1), the amount that the price is less than such value shall, subject to subsection (2), be a contribution for the purposes of this Act.

Advertising as contribution

23.—(1) Where any person, corporation or trade union with the knowledge and consent of a political party or candidate registered under this Act promotes the political party or the election of the candidate or opposes any other registered political party or the election of any other registered candidate by advertising on the facilities of any broadcasting undertaking or by publishing an advertisement in any newspaper, magazine or other periodical publications or printed leaflets, pamphlets or other documents or through the use of any outdoor advertising facility and the amount of the cost thereof,

- (a) in the case of any single such political advertisement is more than \$100; and
- (b) in the case of any such political advertisements from a single source broadcast or published in any year, excluding any campaign period or part thereof in

that year, or in any campaign period in the aggregate exceeds \$100,

such amount shall be considered to be a contribution and, if done during the relevant period, a campaign expense for the purposes of this Act to the political party or candidate with whose knowledge and consent the political advertising was done.

(2) Notwithstanding subsection (1), where political advertising is provided on the facilities of any broadcasting undertaking without charge to registered political parties or to registered candidates in a particular electoral district in accordance with the provisions of the *Broadcasting Act* (Canada), the regulations thereunder and Guides published in accordance therewith, such political broadcasts shall not be considered to be a contribution or an election expense for the purposes of this Act to such political parties or candidates.

Where not considered to be a contribution

R.S.C. 1970, c. B-11

(3) No person, corporation, trade union or registered political party or constituency association shall cause any political advertisement to be broadcast on the facilities of any broadcasting undertaking or published in any newspaper, magazine or other periodical publication or through the use of any outdoor advertising facility unless he, she or it furnishes to the broadcaster or publisher of the political advertisement his, hers or its identification in writing, together with the identification, in writing, of any person, corporation or trade union or registered political party or constituency association sponsoring the political advertisement.

Identification

(4) Any broadcaster who broadcasts or any publisher who publishes a political advertisement shall maintain records for a period of two years after the date of the broadcast or publication setting forth such advertisement, the charge therefor and any material relating to identification furnished to the broadcaster or publisher in connection therewith and shall permit the public to inspect such records during normal office hours.

Records

(5) All political printed advertising, handbills, placards, posters and broadcast or telecast advertisements shall bear or make reference to the name of the person, corporation or trade union authorizing the political advertising.

Reference to person, etc., authorizing advertising

(6) For the purposes of this section, "political advertisement" and "political advertising" means any matter promoting or opposing any registered political party or the election of any registered candidate for which a fee is paid, but does not include any *bona fide* news reporting.

Definition

Fund-raising events

24.—(1) In this section, “fund-raising function” includes events or activities held for the purpose of raising funds for the political party, constituency association, candidate or leadership contestant registered under this Act by whom or on whose behalf the function is held.

Income to be reported

(2) The gross income from any fund-raising function shall be recorded and reported to the Commission by the chief financial officer of the political party, constituency association, candidate or leadership contestant registered under this Act that held or on whose behalf the function was held.

Where charge may be considered not a contribution

(3) Where a charge by the sale of tickets or otherwise is made for a fund-raising function, all or any portion of such charge, up to a maximum of \$25, may, at the option of the registered party, constituency association, candidate or leadership contestant by whom or on whose behalf the function was held, be considered not to be a contribution for the purposes of this Act.

Where amounts to be considered contribution

(4) Any amount paid for goods or services offered for sale at a fund-raising function in excess of the highest amount charged, at or about the time the goods or services are provided, by any other person providing similar goods on a commercial retail basis or similar services on a commercial basis in the market area in which the goods or services are provided, shall be considered to be a contribution for the purposes of this Act.

Collection of moneys at meetings

25. Where at a meeting held on behalf of or in relation to the affairs of a candidate, political party or constituency association registered under this Act money is given in response to a general collection of money solicited from the persons in attendance at the meeting, no amount shall be given anonymously by any person in excess of \$10 and the amounts so given shall be considered not to be contributions for the purposes of this Act but the gross amount collected shall be recorded and reported to the Commission by the chief financial officer of the candidate, political party or association, as the case may be.

Receipts

26. Every political party, constituency association, candidate or leadership contestant registered under this Act shall issue or cause to be issued receipts as required by the Commission for every contribution accepted.

Group contributions

27.—(1) Any contribution to a political party, constituency association, candidate or leadership contestant registered under this Act made through any unincorporated association or organization, except a trade union or an affiliated political

organization in accordance with subsection (3), shall be recorded by the unincorporated association or organization as to the individual sources and amounts making up such contribution.

(2) The amounts making up a contribution under subsection (1) that are attributable to any person, corporation or trade union are contributions of such person, corporation or trade union for the purposes of this Act.

Application of Act to amounts making up contribution

(3) An affiliated political organization may make a contribution in any year to the political party or any constituency association with which it is affiliated as if it were a person for the purposes of clause 19 (1) (a).

Contribution by affiliated political organization

(4) For the purposes of this section, "affiliated political organization" means any political organization that is affiliated with and endorsed by a political party or one or more constituency associations registered under this Act.

Definition

28. A registered party and any of its constituency associations or official candidates registered under this Act may transfer or accept funds, goods and services to or from each other and all such funds, goods, other than goods held in inventory for any candidate for use during a campaign period, and services accepted by such political party, constituency association or candidate shall be considered not to be contributions or campaign expenses for the purposes of this Act but shall be recorded as to source and any funds accepted shall be deposited in the appropriate depository on record with the Commission.

Transfer of funds, etc., among parties, constituency associations and candidates

29. No political party, constituency association or candidate registered under this Act and no person on its or his or her behalf shall knowingly accept any contributions in excess of the limits imposed by this Act.

Parties, etc., not to receive contributions in excess of limitations

30.—(1) No political party, constituency association, candidate or leadership contestant registered under this Act shall directly or indirectly,

Contributions prohibited from outside Ontario and to persons, etc., outside Ontario

- (a) knowingly accept contributions from any person normally resident outside Ontario, from any corporation that does not carry on business in Ontario or from a trade union other than a trade union as defined in this Act; or
- (b) contribute or transfer funds to any political party, constituency association, candidate or leadership contestant not registered under this Act, including a

1973-74,
c. 14 (Can.)

R.S.O. 1980,
c. 308

1973-74,
c. 51 (Can.)

federal political party registered under the *Canada Elections Act*, any federal constituency association or candidate at a federal election endorsed by such federal political party and any candidate at a municipal election under the *Municipal Elections Act*, except that "during an election" as defined in the *Canada Elections Act* a registered party may transfer to a federal political party registered under the *Election Expenses Act* (Canada) an amount not exceeding, in the aggregate, \$100 for each candidate at a federal election in a federal electoral district in Ontario who is endorsed as a candidate by that federal political party.

No transfer of funds from constituency association to leadership contestant

(2) No constituency association registered under this Act shall directly or indirectly contribute or transfer funds to any leadership contestant registered under this Act.

Annual membership fees

31. An annual membership fee paid for membership in a political party or in a constituency association of such party or in both may be considered not to be a contribution for the purposes of this Act provided such fee or, where a fee is paid to the party and to a constituency association of that party, the total of such fees does not exceed \$25 and the political party and constituency association maintain a membership list indicating the amount of such fee or fees paid by each member that is allocated to the political party or constituency association, as the case may be.

Trade unions check-off

32. Contributions of not more than 15 cents per month by any member of a bargaining unit represented by a trade union through payroll deductions shall not be considered contributions from a person for the purposes of this Act, but any amounts contributed to a political party, constituency association or candidate registered under this Act from such funds shall be deemed to be a contribution from the trade union.

Who may accept contributions for candidate or leadership contestant

33. No contribution shall be accepted by a registered candidate or registered leadership contestant otherwise than through his or her chief financial officer or other person on record with the Commission as authorized to accept contributions.

Chief financial officer, of party or association

34.—(1) Every political party and constituency association that is applying for registration under this Act, before filing its application with the Commission, shall appoint a chief financial officer.

(2) Every candidate and every leadership contestant who is applying for registration under this Act, before filing his or her application with the Commission, shall appoint a chief financial officer.

of candidate
or leadership
contestant

(3) Where the chief financial officer of a political party, constituency association, candidate or leadership contestant, ceases for any reason to hold office as such, the political party, constituency association, candidate or leadership contestant, as the case may be, shall forthwith appoint another chief financial officer and shall immediately give notice in writing to the Commission of the name of the new chief financial officer.

Appointment
of new chief
financial
officer

(4) The chief financial officer of a political party, constituency association, candidate and leadership contestant registered under this Act in relation to the affairs of the party, constituency association, candidate or leadership contestant who appointed him or her shall be responsible for ensuring that,

Responsi-
bilities

- (a) proper records are kept of all receipts and expenditures;
- (b) contributions are placed in the appropriate depository;
- (c) proper receipts are completed and dealt with in accordance with this Act;
- (d) the financial statements as required by sections 42, 43 and 45 together with the auditor's report thereon are filed with the Commission in accordance with this Act; and
- (e) contributions consisting of goods or services are valued and recorded in accordance with this Act.

35.—(1) Where any person acting on behalf of,

Recording of
contributions

- (a) a political party or a constituency association registered under this Act, accepts in any year, excluding any campaign period or part thereof in that year, or in any campaign period;
- (b) a candidate registered under this Act, accepts in any campaign period; or
- (c) a leadership contestant registered under this Act, accepts in any leadership contest period,

a single contribution in excess of \$25 or contributions from a single source that in the aggregate exceed \$25, the chief financial officer of such political party, constituency association, candidate or leadership contestant, as the case may be, shall record all such contributions and, in the case of a single contribution in excess of \$100 or contributions from a single source that in the aggregate exceed \$100, the name and address of the contributor.

Separate
recording of
contributions

(2) All contributions referred to in subsection (1) accepted on behalf of a political party or a constituency association registered under this Act in any year, excluding any campaign period or part thereof in that year, shall be recorded separately from all contributions accepted on behalf of that political party or constituency association in any campaign period.

BORROWING

Borrowing
by parties,
etc.

36.—(1) A political party, constituency association, candidate or leadership contestant registered under this Act may borrow from any chartered bank or other recognized lending institution in Ontario, provided that all such loans and the terms thereof, including the name of any guarantor thereof, are recorded by the political party, constituency association, candidate or leadership contestant and reported to the Commission.

Limitation

(2) No political party, constituency association, candidate or leadership contestant registered under this Act shall receive any support in the form of a loan from any person, corporation, trade union, or unincorporated association or organization, other than from a registered party, a registered constituency association, or a chartered bank or other recognized lending institution as provided in subsection (1).

LOANS

Guarantee
of loans
to parties,
etc.,
prohibited

37.—(1) Subject to subsection (2), no person, corporation, trade union, unincorporated association or organization shall make, or sign, co-sign or provide collateral security for any loan, monetary obligation or indebtedness for or on behalf of any political party, constituency association, candidate or leadership contestant registered under this Act.

Exception

(2) Any person, corporation or trade union who is eligible to make a contribution under this Act may guarantee any loan referred to in subsection 36 (1).

When
guarantee
considered
contribution

(3) Any guarantee or any payment made by a guarantor in respect of a loan referred to in subsection 36 (1) shall not be

considered to be a contribution for the purposes of this Act, provided that, where the guarantor forgives or waives all or any part of the borrower's indebtedness that has been guaranteed, the amount so forgiven or waived shall be considered to be a contribution for the purposes of this Act and may be forgiven or waived only to the extent permitted under section 19.

CAMPAIGN ADVERTISING

38.—(1) No political party, constituency association or candidate registered under this Act and no person, corporation or trade union acting with its, his or her knowledge and consent shall, after the issue of a writ for an election and before the day immediately following polling day, except during the period of twenty-one days immediately preceding the day before polling day,

Period of
campaign
advertising
limited

- (a) advertise on the facilities of any broadcasting undertaking; or
- (b) procure for publication, cause to be published or consent to the publication of, except during such period, an advertisement in a newspaper, magazine or other periodical publication or through the use of outdoor advertising facilities,

for the purpose of promoting or opposing any registered party or the election of a registered candidate.

(2) Subsection (1) does not apply to,

Exceptions

- (a) advertising of public meetings in constituencies;
- (b) announcing candidate or constituency headquarters' locations;
- (c) advertising for volunteer campaign workers;
- (d) announcing services for electors by candidates or constituency associations respecting enumeration and revision of lists of electors;
- (e) announcing services for electors on polling day; or
- (f) any other matter respecting administrative functions of constituency associations,

providing that advertisements, announcements and other matters are done in accordance with the guidelines of the Commission.

Extension of
period of
campaign
advertising

(3) Nothing contained in subsection (1) prohibits the procuring for publication, causing to be published or consenting to the publication of,

- (a) an advertisement referred to therein on the day immediately preceding polling day in a newspaper which is published in Ontario not more frequently than once a week and whose day of regular publication falls on the day immediately preceding polling day;
- (b) an advertisement referred to therein on the day immediately preceding polling day and on polling day through the use of any commercial billboard advertising facility; or
- (c) *bona fide* news reporting during the period referred to therein,

R.S.C. 1970,
c. B-11

or prohibits the broadcasting on the facilities of a broadcasting undertaking of *bona fide* news reporting in accordance with the provisions of the *Broadcasting Act* (Canada), the regulations thereunder and Guides published in accordance therewith during the period referred to therein.

Rates to be
charged to
parties,
constituency
associations
and
candidates
for
broadcast-
ing time and
advertising
space

(4) No person or corporation shall,

- (a) charge a registered party, constituency association or candidate, or any person acting with its, his or her knowledge and consent, a rate for broadcasting time on any broadcasting undertaking in the period beginning on the twenty-first day before the day immediately before polling day at an election and ending on the second day before polling day, that exceeds the lowest rate charged by the person or corporation for an equal amount of equivalent time on the same facilities made available to any other person in that period; or
- (b) charge a registered party, constituency association or candidate, or any person acting with its, his or her knowledge and consent, a rate for an advertisement in a periodical publication published or distributed and made public in the period referred to in clause (a) that exceeds the lowest rate charged by the person or corporation for an equal amount of equivalent advertising space in the same issue of the periodical or in any other issue thereof published or distributed and made public in that period.

CAMPAIGN EXPENSES

39.—(1) The total campaign expenses incurred by a registered party and any person, corporation, trade union, unincorporated association or organization acting on behalf of that party during any campaign period shall not exceed the aggregate amount determined by multiplying 40 cents by,

Limitation on campaign expenses, of political party

- (a) in relation to a general election, the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984*, in the electoral districts in which there is an official candidate of that party; and 1984, c. 54
- (b) in relation to a by-election in an electoral district, the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984*, in that electoral district.

(2) The total campaign expenses incurred by a registered candidate, the constituency association endorsing that candidate and any person, corporation, trade union, unincorporated association or organization acting on behalf of that candidate or constituency association during any campaign period shall not exceed the amount that is the aggregate of \$2 for each of the first 15,000 of the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984*, in the candidate's electoral district and \$1 for each of the number of such electors in excess of 15,000 but not exceeding 25,000, and \$0.25 for each of the number of such electors in excess of 25,000.

of candidate and constituency association

(3) In relation to candidates in the electoral districts of Cochrane North, Rainy River, Kenora, Lake Nipigon, Algoma and Nickel Belt, as set out in the Schedule to the *Representation Act, 1986*, the amount determined under subsection (2) shall be increased by \$5,000.

Increase for certain candidates

1986, c....

(4) Where the total campaign expenses incurred by a registered party and any person, corporation, trade union, unincorporated association or organization acting on behalf of that party exceed the amount determined under subsection (1) or where the total campaign expenses incurred by a registered candidate, the constituency association endorsing that candidate and any person, corporation, trade union, unincorporated association or organization acting on behalf of that candidate exceed the amount determined under subsection (2), the amount of the subsidy, if any, payable to the political party's chief financial officer under subsection 46 (6) or to the candidate's chief financial officer under subsection 46 (1), as

Reduction of subsidy

the case may be, shall be reduced by an amount equal to such excess.

Approval
of chief
financial
officer

(5) No constituency association shall incur campaign expenses in an aggregate amount in excess of the amount that has been previously approved in writing by the chief financial officer of the candidate endorsed by that constituency association.

Time for
submission
of payment
claims

(6) Every person, corporation or trade union who has any claim for payment in relation to a campaign expense shall submit such claim within three months after polling day to the chief financial officer of the registered party, constituency association or candidate that incurred the campaign expense.

Payment of
expenses by
chief
financial
officer

(7) Every payment of a campaign expense shall be made by the chief financial officer of the registered party, constituency association or candidate that incurred the campaign expense and, except where the campaign expense is less than \$25, such campaign expense shall be vouched for by a statement setting forth the particulars and proof of payment.

Disputed
claims

(8) Where the chief financial officer of a registered party, constituency association or candidate disputes or refuses to pay any claim for payment in relation to a campaign expense, such claim shall be considered to be a disputed claim and the claimant may bring an action for payment in any court of competent jurisdiction.

FOUNDATION

Establish-
ment of
foundation

40.—(1) A political party shall, prior to filing an application for registration under this Act, establish a non-profit corporation as a foundation for the purposes of receiving and managing the assets, except the premises, equipment, supplies and other such property required for the administration of the affairs of the party, held by the political party immediately prior to filing such application and,

1980-81,
c. 40 (Can.)

R.S.O. 1980,
cc. 249, 512

(a) all the assets of the foundation shall consist of deposits with The Province of Ontario Savings Office, a bank to which the *Bank Act* (Canada) applies or a trust company registered under the *Loan and Trust Corporations Act* or shall be invested in investments authorized for trust moneys by the *Trustee Act*;

(b) no funds or other property shall be received by or transferred to the foundation after the filing of an application for registration of that political party other than interest on the amounts on deposit or the

income from investments referred to in clause (a); and

- (c) the foundation shall file with the Commission, on or before the 31st day of May in each year, a report of the expenditures of the foundation during the previous year.

(2) Funds transferred by the foundation to a political party, constituency association or candidate are not contributions for the purposes of this Act but shall be recorded as to amount and source by the recipient of the funds. Foundation funds not contributions

(3) Subsection (1) does not apply, and shall be deemed never to have applied, to a political party whose assets, at the time of application for registration under this Act, consist only of the premises, equipment, supplies and other such property required for the administration of the affairs of the political party. Application

AUDITORS

41.—(1) Every candidate and leadership contestant at the time of appointment of his or her chief financial officer, and every registered party and registered constituency association, within thirty days after becoming registered under this Act, shall appoint an auditor licensed under the *Public Accountancy Act* or a firm whose partners resident in Ontario are licensed under that Act and shall forthwith advise the Commission of the name and address of such auditor or firm. Appointment of auditor

R.S.O. 1980,
c. 405

(2) Where an auditor appointed under subsection (1) ceases for any reason, including resignation, to hold office as such, ceases to be qualified as provided in subsection (1) or becomes ineligible as provided in subsection (3), the candidate, leadership contestant, political party or constituency association, as the case may be, shall forthwith appoint another auditor licensed under the *Public Accountancy Act* or a firm whose partners resident in Ontario are licensed under that Act and shall forthwith advise the Commission of the name and address of such auditor or firm. Idem

(3) No returning officer, deputy returning officer or election clerk and no candidate, or leadership contestant, or chief financial officer of a candidate or leadership contestant, or chief financial officer of a registered party or constituency association shall act as the auditor for the candidate, leadership contestant, registered party or constituency association, but nothing in this subsection makes ineligible the partners or firm with which such a person is associated from acting as an Persons not eligible

auditor for a candidate or registered party or constituency association or leadership contestant.

Auditor's
report

(4) The auditor appointed under subsection (1) or (2) shall make a report to the chief financial officer of the candidate, leadership contestant, political party or constituency association that appointed the auditor in respect of the financial statements, as required by sections 42, 43 and 45 and shall make such examination of the financial statements and supporting documentation as is necessary to enable the auditor to report thereon in accordance with generally accepted auditing standards.

Where
statement
required

(5) An auditor, in the report under subsection (4), shall make such statements as the auditor considers necessary in any case where,

- (a) the auditor has not received from the chief financial officer all the information and explanation that he or she has required; or
- (b) proper accounting records have not been kept by the chief financial officer so far as appears from the auditor's examination.

Right of
access

(6) An auditor appointed under subsection (1) or (2) shall have access at all reasonable times to all records, documents, books, accounts and vouchers of the candidate, leadership contestant, political party or constituency association that appointed the auditor and is entitled to require from the chief financial officer such information and explanation as in the auditor's opinion may be necessary to enable the auditor to report as required by subsection (4).

Auditor's
subsidy

(7) The Commission shall subsidize the cost of auditors' services for constituency associations, candidates and leadership contestants by paying,

- (a) to the auditor of each constituency association in respect of an audit for the association under sections 42, 43 and 45, the lesser of \$400 and the amount of the auditor's account to the association;
- (b) to the auditor of a candidate in respect of an audit for the candidate under sections 43 and 45, the lesser of \$800 and the amount of the auditor's account to the candidate; and
- (c) to the auditor of a leadership contestant in respect of an audit for the leadership contestant under sec-

tions 43 and 45, the lesser of \$600 and the amount of the auditor's account to the leadership contestant.

FINANCIAL STATEMENTS

42. The chief financial officer of every political party and constituency association registered under this Act shall, on or before the 31st day of May in each year, file with the Commission a financial statement, Annual filing of financial statement and report

- (a) of assets and liabilities as at the end of the previous year;
- (b) of income and expenses for the previous year, excluding, in the case of a political party, the income and expenses relating to an election received or incurred in a campaign period and, in the case of a constituency association, all income and expenses received or incurred in a campaign period; and
- (c) setting out all the information required to be recorded under subsection 35 (1) for the previous year, excluding such information that relates to a campaign period,

of the political party or constituency association for which the chief financial officer acts, together with the auditor's report thereon as required by subsection 41 (4).

43.—(1) The chief financial officer of every political party, constituency association and candidate registered under this Act shall, within six months after polling day, file with the Commission a financial statement, Filing of financial statement relating to campaign period

- (a) in the case of a political party, of the income and expenses relating to the election received or incurred in the campaign period and in the case of a constituency association or candidate, of all income and expenses received or incurred in the campaign period;
- (b) of all campaign expenses, paid and outstanding, incurred in a campaign period and a statement of all disputed claims; and
- (c) setting out all the information required to be recorded under subsection 35 (1) that relates to the campaign period,

of the political party, constituency association or candidate for which the chief financial officer acts, together with the auditor's report thereon as required by subsection 41 (4).

By-elections

(2) In relation to a by-election, subsection (1) applies only to registered political parties and constituency associations that received contributions or made expenditures in relation to such by-election, and to registered candidates at such by-election.

Where
general
election
called

(3) Where writs for a general election are issued during a campaign period relating to a by-election, the campaign period relating to such by-election shall, for the purposes of subsection (1), be deemed to have terminated on the day before the day the writs for the general election were issued and the financial statements referred to in subsection (1) shall be filed with the Commission within three months after the deemed termination of the campaign period.

Filing of
financial
statement
relating to
leadership
contest

(4) The chief financial officer of every leadership contestant registered under this Act shall, within six months after the date of the leadership vote, file with the Commission a financial statement,

- (a) of all income and expenses received or incurred in a leadership contest period; and
- (b) setting out all the information required to be recorded under subsection 35 (1), of the leadership contestant for whom the chief financial officer acts, together with the auditor's report thereon as required by subsection 41 (4).

Surplus

(5) Where the leadership contestant's financial statement shows a surplus, such surplus shall be forthwith paid over to the registered party, the leadership of which the leadership contestant was contesting.

Failure of
candidate
or leadership
contestant
not elected
to file
statement
and report

44.—(1) Where the chief financial officer of a registered candidate or leadership contestant who is not declared elected fails to file a financial statement as required by section 43, together with the auditor's report thereon as required by subsection 41 (4), the candidate or leadership contestant, in addition to any other penalty, is ineligible to stand as a candidate at any election up to and including the next general election unless prior thereto he or she or the chief financial officer has filed such financial statement and the auditor's report thereon with the Commission.

Vacation
of seat

(2) Where,

- (a) in the case of a registered candidate who is elected as a member of the Assembly, the total campaign expenses incurred by the member during the campaign period relating to the election at which the candidate was elected exceeds the amount determined under subsection 39 (2); or
- (b) in the case of a registered candidate or registered leadership contestant who is elected or sitting as a member of the Assembly, the chief financial officer of the member fails to file a financial statement as required by section 43, together with the auditor's report thereon as required by subsection 41 (4),

the Commission shall notify the Speaker who shall inform the Assembly and, if the Assembly finds no mitigating reason for non-compliance, the member shall forthwith vacate his seat and, in addition, the member is liable to any other penalty that may be imposed under any Act.

(3) Where a member is required to vacate his or her seat, Speaker's
warrant

- (a) under clause (2) (a); or
- (b) under clause (2) (b), unless the member or his or her chief financial officer files a financial statement and the auditor's report thereon with the Commission within sixty days after the Speaker has informed the Assembly of the non-compliance under subsection (2),

the Speaker shall address a warrant under the hand and seal of the Speaker to the Chief Election Officer for the issue of a writ for the election of a member in the place of the member whose seat is vacated and the writ shall be issued accordingly.

45.—(1) Where the chief financial officer of a registered political party or constituency association ceases for any reason, other than death or incapacity, to hold office as such, the chief financial officer shall, within forty-five days following the day on which he or she ceased to hold office, file with the Commission financial statements of assets and liabilities and of income and expenses of the political party or constituency association, as the case may be, for which the chief financial officer acted for the period commencing with the day immediately following the most recent period for which a financial statement has been filed with the Commission under section 42 or this section and ending on the day on which he or she ceased to hold office, together with the auditor's report thereon as required by subsection 41 (4).

Where chief
financial
officer ceases
to hold office

Idem

(2) Where the chief financial officer of a registered candidate or leadership contestant ceases for any reason, other than death or incapacity, to hold office as such during a campaign period or leadership contest period, as the case may be, the chief financial officer shall, within forty-five days following the day on which he or she ceased to hold office, file with the Commission a financial statement of income and expenses of the candidate or leadership contestant for whom the chief financial officer acted for the period commencing with the later of the day of his or her appointment and the day the candidate or leadership contestant became registered with the Commission and ending on the day on which he or she ceased to hold office, together with the auditor's report thereon as required by subsection 41 (4).

Where
financial
statements
not filed

(3) Where, for any reason, the chief financial officer fails to file the financial statements required by subsection (1) or (2), or where the chief financial officer has died or become incapacitated, the political party, constituency association, candidate or leadership contestant, as the case may be, for which the chief financial officer acted shall, within sixty days following the day on which the chief financial officer ceased to hold office, file with the Commission the financial statements required by subsection (1) or (2), as the case may be, together with the auditor's report thereon as required by subsection 41 (4).

PUBLIC FUNDING OF CANDIDATE AND PARTY EXPENSES

Reimburse-
ment of
campaign
expenses

46.—(1) Every registered candidate in an electoral district who receives at least 15 per cent of the popular vote in such electoral district is entitled to be reimbursed by the Commission for the lesser of campaign expenses for the campaign period as shown on the statement of income and expenses filed with the Commission, in accordance with section 43, together with the auditor's report in accordance with subsection 41 (4), and an amount equal to 20 cents for each dollar of actual campaign expenses to the maximum expenditure limit in accordance with subsection 39 (2).

Idem

(2) In relation to candidates in the electoral districts of Cochrane North, Rainy River, Kenora, Lake Nipigon, Algoma and Nickel Belt, as set out in the Schedule to the *Representation Act, 1986*, the amount determined under subsection (1) shall be increased by \$5,000.

1986, c...

No reim-
bursement
unless
financial
statement
and report
filed

(3) A candidate is not entitled to be reimbursed for expenses under subsection (1) unless the candidate or his or her chief financial officer has filed the financial statements of

income and expenses as required by section 43, together with the auditor's report thereon as required by subsection 41 (4), and the Commission is satisfied that such statements meet the requirements of this Act.

(4) Where the candidate's financial statement shows a deficit and the candidate is entitled to be reimbursed for expenses under subsection (1), the moneys payable to his or her chief financial officer shall be first applied to discharge the debts creating the deficit and should any deficit remain thereafter, in the case of a candidate endorsed as the official candidate of a registered party, the deficit shall be assumed by the registered constituency association endorsing that candidate.

Moneys to be applied to discharge debts of candidate

(5) Any surplus, determined by taking into account in the financial statement of a registered candidate the moneys, if any, paid to the candidate's chief financial officer under subsection (1), shall be forthwith paid over,

Surplus in candidate's account

(a) in the case of a candidate endorsed as the official candidate of a registered party, to that registered party or to the registered constituency association endorsing the candidate; and

(b) in the case of an independent candidate, to the Commission.

(6) Every registered party that receives at least 15 per cent of the popular vote in any electoral district and that has filed its statement of income and expenses with the Commission in accordance with section 43, together with the auditor's report in accordance with subsection 41 (4), is entitled to be reimbursed by the Commission for the aggregate amount determined by multiplying 5 cents by the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984* in each electoral district in which the political party received 15 per cent of the popular vote and such moneys shall be payable to the political party's chief financial officer.

Reimbursement of political party's expenses

1984, c. 54

(7) A political party is not entitled to be reimbursed for expenses under subsection (6) unless its chief financial officer has filed the financial statements required by section 43, together with the auditor's report thereon as required by subsection 41 (4), and the Commission is satisfied that such statements meet the requirements of this Act.

Filing of financial statements required

(8) In this section,

Definitions

“independent candidate” means a person referred to in clause (c) of the definition of “candidate” in subsection 1 (1);

“popular vote” means the total counted ballots cast in favour of all candidates in an electoral district and does not include any rejected, cancelled, declined or unused ballot.

FORMS

Forms

47. All applications, returns, statements, balance sheets and other documents required to be filed with the Commission shall be filed in the form prescribed therefor by the Commission.

OFFENCES

Offence by chief financial officer

48.—(1) The chief financial officer of a political party, constituency association, candidate or leadership contestant registered under this Act who contravenes section 42, 43 or 45 is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

Offence by party or constituency association

(2) Where any contravention of this Act that is an offence by virtue of subsection (1) is committed by a chief financial officer of a political party, constituency association, candidate or leadership contestant registered under this Act, the political party, constituency association, candidate or leadership contestant for which the chief financial officer acts is guilty of an offence and on conviction is liable,

- (a) in the case of a registered party, to a fine of not more than \$2,000; and
- (b) in the case of a registered constituency association, registered candidate or registered leadership contestant, to a fine of not more than \$1,000.

Offence by corporation or union

49. Every corporation or trade union that contravenes any of the provisions of this Act is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

General offence

50. Every person, political party or constituency association that contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

Offence for obstructing investigation

51. No person shall obstruct a person making an investigation or examination under this Act or withhold from him or her or conceal or destroy any books, papers, documents or

things relevant to the subject-matter of the investigation or examination.

52. No person shall knowingly make a false statement in any application, return, financial statement or other document filed with the Commission under this Act. Offence for false statement

53. No person shall knowingly give false information to a chief financial officer or other person authorized to accept contributions. Offence for false information

54.—(1) A prosecution for an offence under this Act may be instituted against a political party, constituency association or trade union in the name of the political party, constituency association or trade union and for the purposes of any such prosecution, a political party, constituency association or trade union shall be deemed to be a person. Style of prosecution of party, constituency association or union

(2) Any act or thing done or omitted by an officer, official or agent of a political party, constituency association or trade union within the scope of his or her authority to act on behalf of the political party, constituency association or trade union shall be deemed to be an act or thing done or omitted by the political party, constituency association or trade union. Vicarious responsibility

55. No prosecution shall be instituted under this Act without the consent of the Commission and no prosecution shall be instituted more than one year after the facts upon which the prosecution is based first came to the knowledge of the Commission. Consent of Commission and limitation

56.—(1) The *Election Finances Reform Act*, being chapter 134 of the Revised Statutes of Ontario, 1980, is repealed. Repeal

(2) Notwithstanding subsection (1), the *Election Finances Reform Act* shall be deemed to continue in force in respect of those persons registered with the Commission under that Act as candidates at the by-election in the electoral district of York East, the polling day for which was the 17th day of April, 1986, until all the requirements under that Act have been met by those registered candidates. Exception R.S.O. 1980, c. 134

COMPLEMENTARY AMENDMENTS

57. Subsection 28 (1) of the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, is amended,

- (a) by striking out “at an election of a member or members to serve in the Assembly” in the ninth and tenth lines; and
- (b) by striking out “\$4,000” in subclause (a) (iii) and inserting in lieu thereof “\$7,000”.

58. Subsection 7 (6) of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Tax credit
for election
contributions

1986, c...

(6) In respect of the aggregate amounts (the aggregate of which amounts is hereafter in this subsection referred to as “the amount contributed”) that are contributions for the purposes of the *Election Finances Act, 1986*, and that are contributed in the taxation year by an individual to registered candidates, to registered constituency associations or to registered parties, every individual resident in Ontario on the last day of the taxation year may deduct from the amount by which his or her tax payable under this Act for that taxation year calculated without reference to this section exceeds the amount of the deduction to which he or she is entitled under subsection (2) for the taxation year,

- (a) 75 per cent of the amount contributed if the amount contributed does not exceed \$200;
- (b) \$150 plus 50 per cent of the amount by which the amount contributed exceeds \$200 and does not exceed \$800; or
- (c) the lesser of,
 - (i) \$450 plus 33 1/3 per cent of the amount by which the amount contributed exceeds \$800 if the amount contributed exceeds \$800, and
 - (ii) \$750,

provided that payment of each amount that is included in the amount contributed is proven by filing with the Minister receipts that are signed by a recorded agent of the registered candidate, registered constituency association or registered party, as the case may be, and that contain the information prescribed to be shown on such receipts.

59.—(1) Clauses 1 (1) (m) and (n) of the *Election Act, 1984*, being chapter 54, are repealed and the following substituted therefor:

- (m) “registered candidate” means a candidate registered with the Commission on Election Finances under the *Election Finances Act, 1986*; 1986, c...
- (n) “registered party” means a political party registered with the Commission on Election Finances under the *Election Finances Act, 1986*.

(2) Subsection 19 (3) of the said Act is amended by striking out “and” at the end of clause (d), by adding “and” at the end of clause (e) and by adding thereto the following clauses:

- (f) the determination, in consultation with the Chief Election Officer, of the total number of names on all the lists of electors for the electoral district; and
- (g) a certified statement of the total number of names on all the lists of electors as determined under clause (f) to be furnished as soon as possible to each candidate in the electoral district and to the Commission on Election Finances.

(3) Subsection 27 (9) of the said Act is amended by striking out “Commission on Election Contributions and Expenses under the *Election Finances Reform Act*” in the fourth, fifth and sixth lines and inserting in lieu thereof “Commission on Election Finances under the *Election Finances Act, 1986*”.

(4) The said Act is amended by adding thereto the following section:

63a. Immediately following polling day, the Chief Election Officer shall determine the number of electors that were entitled to vote in each electoral district and, as soon as possible thereafter, shall furnish a certified statement thereof to each candidate in the electoral district and to the Commission on Election Finances. Statement by C.E.O. of number of electors entitled to vote

60.—(1) This Act, except sections 57 and 58, comes into force on the day it receives Royal Assent. Commence-ment and application

(2) Section 57 shall be deemed to have come into force on the 1st day of January, 1986, and applies to corporations in respect of amounts contributed on or after that date. Idem

(3) Section 58 shall be deemed to have come into force on the 1st day of January, 1986, and applies to the 1986 and subsequent taxation years. Idem

Application

(4) Notwithstanding subsection (1) of this section, the definition of “trade union” in subsection 1 (1), subsection 1 (2), subsection 17 (2), clause 19 (1) (a), subsection 22 (2), subsections 24 (3) and (4), section 25, subsections 27 (1), (3) and (4), sections 31 and 32 and subsection 35 (1) apply in respect of the whole of the 1986 and each subsequent calendar year.

Idem

(5) Notwithstanding subsection (1) of this section, the definition of “campaign period” in subsection 1 (1), clause 4 (1) (k), subsection 4 (3), clause 19 (1) (b), subsection 19 (3), subsections 38 (2) and (3), sections 39 and 43, subsections 44 (1), (2) and (3) and section 46 apply in respect of a general election or by-election, as the case may be, the writ for which was issued after the day this Act receives Royal Assent.

Idem

(6) Notwithstanding subsection (1) of this section, subsection 41 (7) applies in respect of audited statements the last day for the filing of which under this Act occurs after the day this Act receives Royal Assent.

Short title

61. The short title of this Act is the *Election Finances Act, 1986*.

CA20N
XB
-B 56

Bill 103

An Act to revise the Election Finances Reform Act and to amend certain other Acts respecting Election Financing

The Hon. R. Nixon

Treasurer of Ontario and Minister of Economics

<i>1st Reading</i>	June 24th, 1986
<i>2nd Reading</i>	July 8th, 1986
<i>3rd Reading</i>	
<i>Royal Assent</i>	



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The Bill represents the first major revision of the *Election Finances Reform Act* since its enactment in 1975. Among the principal features of the new *Election Finances Act* proposed by the Bill are the following:

1. The limit on the maximum amount that may be contributed by any person, corporation or trade union in any year to a political party is increased from \$2,000 to \$4,000 and the annual limit on the maximum amount that may be contributed to a constituency association is increased from \$500 to \$750, with a limit of an aggregate of \$3,000 in respect of the constituency associations of each party.
2. The limit on the maximum additional amounts that may be contributed in a campaign period is increased from \$2,000 to \$4,000 to each political party and from \$500 to \$750 to a candidate, with a limit of an aggregate of \$3,000 in respect of the candidates of each party.
3. Complementary to the increase in the permitted contributions, the maximum deduction that may be made from a corporation's taxable income under the *Corporations Tax Act* in respect thereof is increased from \$4,000 to \$7,000 and the amount of the tax credit under the *Income Tax Act* in respect of contributions is increased to 75 per cent of the amount contributed up to \$200, \$150 plus 50 per cent of the amount contributed that exceeds \$200 but does not exceed \$800 and the lesser of,
 - (a) \$450 plus one-third of the amount contributed that exceeds \$800; and
 - (b) \$750.
4. A number of other monetary limits have been increased, for example, the limit of \$10 that may be contributed in cash is raised to \$25, an anonymous contribution at a meeting may be accepted up to \$25 rather than \$10, annual membership fees that are not considered a contribution may be up to \$25 rather than \$10 and trade union check-offs permitted are increased from 10 cents to 15 cents per month.
5. A limitation is placed on the amounts that may be expended during an election campaign by political parties and by candidates and their supporting constituency associations. For a political party, the maximum expenditure in a general election is 40 cents per elector in each electoral district in which there is a candidate for the party; for a candidate and his or her constituency association, the maximum expenditure is \$2 for each of the first 15,000 electors in the candidate's electoral district, \$1 for each of the next 10,000 electors and 25 cents for each of the number of electors in excess of 25,000. In Northern Ontario (Cochrane North, Rainy River, Kenora, Lake Nipigon, Algoma and Nickel Belt) an additional \$5,000 may be expended by a candidate.
6. Subsidies are payable out of public moneys to political parties and to candidates in respect of campaign expenses. For a political party the amount of the subsidy is 5 cents for each elector in an electoral district in which the party receives at least 15 per cent of the popular vote; for a candidate who receives at least 15 per cent of the popular vote in the electoral district the amount of the subsidy is the lesser of the actual campaign expenses and the amount equal to 20 cents for each dollar of actual campaign expenses up to the maximum expenditure limit. In Northern Ontario an additional \$5,000 subsidy will be paid to such a candidate.
7. Contests for the leadership of a political party will be governed by the proposed new Act. Leadership contestants will be required to register with the Commission and to make disclosure of the contributions received and the

expenditures made in relation to the leadership contest. No limits are placed on the amounts that may be contributed or the amounts that may be expended and no tax credits are provided for. Constituency associations may not contribute to a leadership contestant; any surplus is to be paid over to the party whose leadership was contested.

8. On the *Representation Act, 1986* receiving Royal Assent all registered constituency associations are deemed deregistered; the chief financial officer is to hold the funds not required to pay outstanding debts in trust and to pay the balance to the constituency association or associations registered in succession thereto in such proportion as the relevant political party determines. New constituency associations consistent with the newly established electoral districts under the *Representation Act, 1986* may forthwith apply for registration; provision is made for the registration of a deregistered constituency association in the event an election is called before the *Representation Act, 1986* takes effect.
9. The name of the existing Commission on Election Contributions and Expenses is changed to the Commission on Election Finances; the term of the chairman is reduced from 10 years to 5 years, but an incumbent may be reappointed for one additional term.
10. A number of administrative changes have been made arising out of the experience of the Commission since the inception of the Act in 1975 and are designed to clarify or simplify a number of provisions that have created some difficulty in interpretation and administration.

Bill 103

1986

**An Act to revise the Election Finances
Reform Act and to amend certain other Acts
respecting Election Financing**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Definitions

“*bona fide* news reporting” includes interviews, commentaries or other works prepared for and published by any newspaper, magazine or other periodical publication or broadcast on the facilities of any broadcasting undertaking without charge to any political party, constituency association or candidate registered under this Act;

“broadcasting undertaking” means a broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada);

R.S.C. 1970,
c. B-11

“by-election” means an election other than a general election;

“campaign expense” means any expense incurred in relation to an election by or on behalf of a political party, constituency association or candidate registered under this Act during the period commencing with the issue of a writ for an election and terminating on polling day, other than,

(a) expenses incurred by a candidate in seeking nomination in accordance with the *Election Act, 1984*,

1984, c. 54

(b) a candidate’s deposit as required under the *Election Act, 1984*,

(c) auditor’s and accounting fees,

(d) interest on loans authorized under section 36,

(e) expenses incurred in holding a fund-raising function referred to in section 24,

- (f) expenses incurred for “victory parties” held and “thank you” advertising published after polling day,
- (g) expenses incurred in relation to the administration of the political party or constituency association,
- (h) transfers authorized under section 28,
- (i) fees paid in respect of maintaining a credit card facility, and
- (j) expenses relating to a recount in respect of the election,

but shall be deemed to include the value of any goods held in inventory for any candidate for use during a campaign period;

“campaign period” means the period commencing with the issue of a writ for an election and terminating three months after polling day;

“candidate” means,

1984, c. 54

- (a) a person who is duly nominated as a candidate for an electoral district in accordance with the *Election Act, 1984* by filing nomination papers with the returning officer for that electoral district following the issue of a writ of election,
- (b) a person who is nominated by a constituency association of a registered party in an electoral district as the official candidate of such party in the electoral district, or
- (c) a person who, on or after the date of the issue of a writ for an election in an electoral district, declares himself or herself to be an independent candidate at the election in the electoral district;

“Commission” means the Commission on Election Finances;

“constituency association”, in an electoral district, means the association or organization endorsed by a registered party as the official association of that party in the electoral district;

“contribution” does not include,

- (a) any goods produced for any political party, constituency association, candidate or leadership contestant by voluntary unpaid labour,
- (b) any service actually performed for any political party, constituency association, candidate or leadership contestant by an individual voluntarily, so long as such individual does not receive from his or her employer or from any person, corporation or trade union pursuant to an arrangement with the individual's employer, compensation in excess of that which he or she would normally receive during the period such service was performed, and
- (c) any moneys, goods or services solicited by or donated to a political party, constituency association, candidate or leadership contestant for purposes other than the purposes set forth in subsections 10 (1), 11 (1), 14 (2) and 15 (1), respectively;

"election" means an election to elect a member or members to serve in the Assembly;

"general election" means an election in respect of which election writs are issued for all electoral districts;

"leadership contest period" means the period commencing with the date of the official call for a leadership convention as set forth in the statement filed by a registered party under subsection 15 (2) and terminating two months after the date of the leadership vote;

"leadership contestant" means a person seeking election as leader of a registered party at a leadership convention called by that party for the purpose;

"leadership vote" means the date on which polling takes place to elect a leader of a registered party at a leadership convention;

"outdoor advertising facilities" means facilities, other than radio and television and newspapers, magazines and other periodical publications, of any person or corporation that is in the business of providing such facilities on a commercial basis for advertising purposes;

"person" includes a candidate but does not include a corporation or trade union;

1984, c. 54 “polling day” means the day fixed under the *Election Act, 1984* for holding the poll at an election;

“registered candidate” means a candidate registered under this Act;

“registered constituency association” means a constituency association registered under this Act;

“registered leadership contestant” means a leadership contestant registered under this Act;

“registered party” means a political party registered under this Act;

R.S.O. 1980, c. 228 “trade union” means a trade union as defined by the *Labour Relations Act* or the *Canada Labour Code* that holds bargaining rights for employees in Ontario to whom those Acts apply and includes any central, regional or district labour council located in Ontario;

R.S.C. 1970, c. L-1

“year” means calendar year.

Associated corporations
R.S.C. 1952, c. 148

(2) Where a corporation is associated with another corporation under section 256 of the *Income Tax Act* (Canada) and where one or both of those associated corporations does not or do not carry on an active business as that expression is defined in paragraph 125 (6) (d) of the *Income Tax Act* (Canada), the two associated corporations shall be considered as a single corporation for the purposes of this Act.

Contested constituency nominations

(3) This Act does not apply to campaigns and conventions carried on or held in relation to contested constituency nominations for endorsement of official party candidates.

Existing funds in trust

(4) This Act does not apply to,

- (a) funds held in trust at 3 o'clock in the afternoon of the 13th day of February, 1975; and
- (b) funds raised before the expiration of thirty days after the 13th day of February, 1975 by a fund-raising function organized before that day that are placed in trust,

for the purposes of a constituency association or the future candidacy of any person at an election or a future election campaign of any person, but the trustee or trustees of each such trust shall,

- (c) within sixty days after the 2nd day of May, 1975, report in writing to the Commission the existence of such trust and the total amount of the funds therein;
- (d) maintain the funds remaining in the trust from time to time on deposit with a financial institution that is lawfully entitled to accept deposits or in investments authorized for trust moneys by the *Trustee Act*;
- (e) not permit funds or other property to be added to the trust other than interest on the amounts on deposit or the income from the investments referred to in clause (d);
- (f) file with the Commission on or before the 30th day of April in each year a report of the expenditures from the trust during the previous year and the trustee's declaration that he or she has complied with the provisions of clauses (d) and (e); and
- (g) when the trust is terminated, forthwith notify the Commission thereof.

R.S.O. 1980,
c. 512

COMMISSION ON ELECTION FINANCES

2.—(1) The commission heretofore known as the Commission on Election Contributions and Expenses is continued under the name Commission on Election Finances and shall be composed of,

Commission
continued

- (a) two persons as nominees of each political party that is represented in the Assembly by four or more members of the Assembly and that nominated candidates in at least 50 per cent of the electoral districts in the most recent general election appointed, on the recommendation of the leader of the party, by the Lieutenant Governor in Council for a term of not more than five years;
- (b) a bencher of the Law Society of Upper Canada appointed by the Lieutenant Governor in Council for a term of not more than five years to hold office only while he or she remains a bencher;
- (c) the Chief Election Officer; and
- (d) the chairman of the Commission who shall be appointed by the Lieutenant Governor in Council for a term of five years.

- Vice-chairman (2) The members of the Commission shall elect one of the members appointed under clause (1) (a) as vice-chairman to serve as such for not more than two years.
- Absence of chairman (3) In the absence of the chairman, the vice-chairman may act as chairman.
- Meetings (4) The Commission shall meet on the call of the chairman or of five or more members.
- Quorum (5) Five or more members of the Commission and the chairman or vice-chairman constitute a quorum.
- Members not to hold office with or contribute to party or constituency association (6) Members of the Commission shall not, during their term of office, be members of the Assembly, candidates at an election or leadership contestants or hold office in any political party or constituency association or make contributions to any political party or constituency association registered under this Act.
- Reappointment (7) Any member of the Commission, including the chairman, may be reappointed for one additional term.
- Remuneration of members (8) The chairman of the Commission shall be paid such salary and the other members except the Chief Election Officer shall be paid such *per diem* allowances as may be determined by the Lieutenant Governor in Council.
- Staff **3.—**(1) The Commission may employ an Executive Director, legal counsel, auditors and such staff as it considers necessary to properly carry out its responsibilities under this Act.
- Office accommodation and supplies (2) The Commission may lease such premises and acquire such equipment and supplies as are necessary to properly carry out its responsibilities under this Act.
- Powers and duties **4.—**(1) The Commission, in addition to its other powers and duties under this Act, shall,
- (a) assist political parties, constituency associations, candidates and leadership contestants registered under this Act in the preparation of returns required under this Act;
 - (b) ensure that every registered constituency association, registered candidate and registered leadership contestant has appropriate auditing services in order to properly comply with this Act;

- (c) examine all financial returns filed with the Commission;
- (d) conduct periodic investigations and examinations of the financial affairs and records of registered political parties, registered constituency associations, registered candidates and registered leadership contestants in relation to election campaigns;
- (e) reimburse candidates and political parties for election expenses in accordance with section 46;
- (f) recommend any amendments to this Act that the Commission considers advisable;
- (g) report to the Attorney General any apparent contravention of this Act;
- (h) prescribe forms and the contents thereof for use under this Act and provide for their use;
- (i) prepare, print and distribute forms for use under this Act;
- (j) provide such guidelines for the proper administration of this Act as it considers necessary for the guidance of auditors, political parties, constituency associations, candidates and leadership contestants and any of the officers thereof; and
- (k) publish, in respect of each campaign period, a joint summary of the income, expenses and subsidy of each candidate, together with the income and expenses of the constituency association endorsing the candidacy of that candidate, in a newspaper or newspapers having a general circulation in the electoral district in which the candidate stood for election.

(2) The Commission shall report annually upon the affairs of the Commission to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Annual
report

(3) The Commission shall, within sixty days following the campaign period in respect of each general election, make recommendations to the Speaker of the Assembly with respect to,

Recommen-
dations
to Speaker

- (a) changes in limits on contributions to registered constituency associations, candidates or political parties;
- (b) changes in limits on campaign expenses which may be incurred during a campaign period by candidates or political parties;
- (c) changes in levels of public funding of candidates or political parties;
- (d) changes in public funding of auditor's fees charged to constituency associations, candidates, political parties and leadership contestants; and
- (e) any other changes in monetary limits that it considers appropriate,

and the Speaker shall cause such recommendations to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Powers of
Commission
under
R.S.O. 1980,
c. 411

5. For the purpose of carrying out any investigation or examination under this Act, the Commission has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such investigation or examination as if it were an inquiry under that Act.

Powers of
inspection

6. For the purposes of an investigation or examination under this Act, a representative of the Commission, upon production of an authorization from the Commission to enter the premises (referred to in the authorization) in which the books, papers and documents of a political party, constituency association, candidate or leadership contestant relevant to the subject-matter of the investigation or examination are kept, may at any reasonable time enter such premises and examine such books, papers and documents.

Information

7. Such information with respect to the affairs of a registered party, registered constituency association, registered candidate or registered leadership contestant that is reasonably required in respect of its duties under this Act as the Commission may request shall be provided by the registered party, registered constituency association, registered candidate or registered leadership contestant within thirty days after receiving a written request therefor from the Commission or within such extended period as the Commission may determine.

8. The remuneration of the members of the Commission and the expenditures required for the operation of the Commission are payable out of moneys appropriated therefor by the Legislature. Expenditures
of
Commission

9. The accounts and financial transactions of the Commission shall be audited annually by the Provincial Auditor. Audit

REGISTRATION

10.—(1) No political party and no person, corporation or trade union acting on behalf of the political party shall accept contributions for the purposes of the political party or for the purposes of any constituency association or for the candidacy of any person at an election or for an election campaign of any person unless the political party is registered under this Act. Registration
of parties

(2) Any political party that,

(a) nominates candidates in at least 50 per cent of the electoral districts following the issue of a writ for a general election; or

(b) at any time other than during a campaign period and within one year of the Commission making a determination under subsection (7) that the name of the political party and the abbreviation thereof, if any, is registrable, provides the Commission with the names, addresses and signatures of 10,000 persons who,

(i) are eligible to vote in an election, and

(ii) endorse the registration of the political party concerned,

may apply to the Commission for registration in the register of political parties.

(3) The Commission shall maintain a register of political parties and subject to this section shall register therein any political party that is qualified to be registered and that files an application for registration with the Commission, setting out, Application
for
registration

(a) the full name of the political party;

(b) the political party name or abbreviation to be shown in any election documents;

- (c) the name of the leader of the political party;
- (d) the address of the place or places in Ontario where records of the political party are maintained and of the place in Ontario to which communications may be addressed;
- (e) the names of the principal officers of the political party;
- (f) the name of the chief financial officer of the political party;
- (g) the names of all persons authorized by the political party to accept contributions;
- (h) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by the political party as the depositories for contributions made to that political party;
- (i) the names of the political party signing officers responsible for each depository referred to in clause (h); and
- (j) a statement of the assets and liabilities of the political party as of a date not earlier than ninety days prior to the date of its application for registration attested to by the chief financial officer.

Registration
by
Commission

(4) Upon receipt of an application for registration of a political party, the Commission shall examine the application and determine if the political party can be registered, and,

- (a) if the political party can be registered, enter it in the register of political parties and so inform the political party; or
- (b) if the political party cannot be registered, so inform the political party with written reasons for its determination.

Name of
political
party

(5) The Commission shall not register a political party where the name of the party includes the word "independent" or where, in the opinion of the Commission, the name or the abbreviation of the name of the party so nearly resembles the name, abbreviation of the name or sobriquet of a registered party as to be likely to be confused with that registered party.

(6) Where any change in the information referred to,

Variation
of register

- (a) in clause (3) (a) or (b) is proposed to be made, the registered party shall notify the Commission in writing of the proposed change and, unless the Commission determines that the proposed change is so significant as to constitute an entirely new name or abbreviation, the Commission shall, subject to subsection (5), vary the register of political parties accordingly; or
- (b) in clauses (3) (c) to (i) occurs, the registered party shall notify the Commission in writing within thirty days of such alteration and, upon receipt of such notice, the Commission shall vary the register of political parties accordingly.

(7) A political party which intends to apply to the Commission for registration under clause (2) (b) shall, prior to canvassing for signatures for the purpose, submit to the Commission the full name of the political party and the abbreviation thereof, if any, and the Commission shall determine whether the name and abbreviation thereof, if any, is registrable in accordance with subsection (5).

Submission
of name to
Commission

(8) Where the Commission determines that the name and abbreviation thereof, if any, of a political party is registrable, that name and abbreviation thereof, if any, shall be reserved for the political party for a period of one year following the date that the Commission makes the determination and, during the period, the political party shall be deemed to be a registered political party for the purposes of subsection (5).

Reservation
of name

11.—(1) No constituency association of a registered party and no person, corporation or trade union acting on behalf of the constituency association shall accept contributions for the purposes of the constituency association or for the purposes of the registered party or for the candidacy of any person at an election or for an election campaign of any person unless the constituency association is registered under this Act.

Registration
of
constituency
associations

(2) The Commission shall maintain a register of constituency associations and, subject to this section, shall register therein any constituency association of a registered party that files an application for registration with the Commission setting out,

Application
for
registration

- (a) the full name of the constituency association and of the registered party by which it is endorsed;

- (b) the address of the place or places in Ontario where records of the constituency association are maintained and of the place in Ontario to which communications may be addressed;
- (c) the names of the principal officers of the constituency association;
- (d) the name of the chief financial officer of the constituency association;
- (e) the names of all persons authorized by the constituency association to accept contributions;
- (f) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by the constituency association as the depositories for all contributions made to that constituency association;
- (g) the names of the constituency association signing officers responsible for each depository referred to in clause (f); and
- (h) a statement of the assets and liabilities of the constituency association as of a date not earlier than ninety days prior to the date of its application for registration attested to by the chief financial officer.

Registration
by
Commission

(3) Upon receipt of an application for registration of a constituency association, the Commission shall examine the application and determine if the constituency association can be registered and,

- (a) if the constituency association can be registered, enter it in the register of constituency associations and so inform the constituency association; or
- (b) if the constituency association cannot be registered, so inform the constituency association with written reasons for its determination.

Variation
of register

(4) Where any of the information referred to in clauses (2) (a) to (g) is altered, the registered constituency association shall notify in writing the Commission within thirty days of any such alteration and, upon receipt of any such notice, the Commission shall vary the register of constituency associations accordingly.

12.—(1) Every political party and every constituency association that is registered under the *Election Finances Reform Act* on the day before this Act comes into force shall be deemed to be registered under this Act.

Certain political parties and constituency associations deemed registered
R.S.O. 1980, c. 134

(2) All registered constituency associations shall be deemed to be deregistered on the day after the day Royal Assent is given to the *Representation Act, 1986*, and notwithstanding subsection 13 (7), all funds of any association not required to pay outstanding debts shall be held by its chief financial officer in trust for disposition in accordance with subsection (4).

Deregistration of constituency associations
1986, c. 30

(3) A new constituency association, consistent with the newly established electoral districts under the *Representation Act, 1986*, may forthwith apply for registration under section 11.

Registration of new constituency associations

(4) The chief financial officer of a constituency association that has been deregistered under subsection (2) shall be deemed for the purposes of subsection 45 (1) to have ceased to hold office as such on the day on which the constituency association is deregistered but notwithstanding that such chief financial officer no longer holds office, notwithstanding any other provision of this Act, he or she shall be responsible,

Responsibility of chief financial officer

- (a) for recording as to amount and source each contribution accepted after the constituency association is deregistered under subsection (2) and before a new constituency association is registered in accordance with subsection (3), but no later than the 1st day of September, 1986, and for depositing the amounts in a trust account maintained in a chartered bank, trust company or other institution in Ontario that is lawfully entitled to accept deposits and for turning over the amounts and records as to source to the chief financial officer of the constituency association or associations registered in succession thereto forthwith upon its or their registration in accordance with subsection (3), who shall be responsible for issuing receipts therefor; and
- (b) for paying outstanding debts and expenses incurred in relation to the administration of the constituency association from funds which he or she holds in trust and for paying over any balance or charging any liability to the chief financial officer of the constituency association or associations registered in succession thereto forthwith upon its or their regis-

tration in accordance with subsection (3) in such proportions as the registered political party endorsing such association or associations determines.

Registration of constituency associations *pro tem* for general election or by-election 1986, c. 30

(5) In the event the Legislature is dissolved before the 1st day of September, 1986, or in the event a by-election is called before the day the *Representation Act, 1986* comes into force, and if all registered constituency associations have been deregistered under subsection (2), a registered party may authorize the registration with the Commission of constituency associations or of a particular constituency association *pro tem* for the purposes of the general election following the dissolution of the Legislature or for the purposes of the by-election and any such constituency associations or association have or has all the powers and responsibilities of a registered constituency association under this Act.

Deregistration of parties and constituency associations, on application

13.—(1) The Commission may deregister,

- (a) a registered party on an application therefor by the registered party; or
- (b) a registered constituency association on an application therefor by the constituency association and the registered party concerned.

For non-compliance with certain provisions of Act

(2) The Commission may deregister,

- (a) a registered party where no registered constituency association of that party nominates a candidate at a general election or where the registered party fails to comply with subsection 10 (6), 34 (3) or 45 (3) or where the chief financial officer of the political party fails to comply with section 42 or 43; or
- (b) a registered constituency association where the constituency association fails to comply with subsection 11 (4), 34 (3) or 45 (3) or where the chief financial officer of the constituency association fails to comply with section 42 or 43.

Notice of proposal to deregister party or association

(3) Where under subsection (2) the Commission proposes to deregister,

- (a) a political party, it shall send by registered mail notice of its proposal with written reasons therefor to the political party; or
- (b) a constituency association, it shall send by registered mail notice of its proposal with written rea-

sons therefor to the constituency association and the political party concerned,

and the political party or constituency association so notified, within thirty days after the sending of the notice, may request the Commission in writing to review its proposal.

(4) Where the Commission receives a written request to review its proposal, it shall review the proposal and give the political party and constituency association notified under subsection (3) an opportunity to make representation to the Commission and following a review of the proposal the Commission may withdraw its proposal or deregister the political party or constituency association, as the case may be, and shall,

Review

- (a) where the proposed deregistration involves a political party, notify it in writing; and
- (b) where the proposed deregistration involves a constituency association, notify in writing the constituency association and the political party concerned,

of its decision.

(5) Where a political party is deregistered, the registered constituency associations of such political party are thereby also deregistered.

Party and
associations
thereof
deregistered

(6) Where a political party or constituency association is deregistered for failure to comply with section 42 or 43 or subsection 45 (3), it may not apply for registration until the financial statements as required by section 42 or 43 or subsection 45 (3), together with the auditor's report thereon as required by subsection 41 (4), that were not filed have been filed with the Commission.

Reregistra-
tion

(7) Where a political party or constituency association is deregistered, all funds of the political party or constituency association not required to pay any outstanding debts thereof shall be paid over to the Commission and held by the Commission in trust for the political party or constituency association and, if the political party or constituency association does not become registered under this Act within a period of two years following its deregistration, the funds shall escheat to the Commission to be used by the Commission in carrying out its responsibilities under this Act.

Disposition
of funds
upon
deregistra-
tion

(8) Where a registered party or a registered constituency association applies to the Commission for deregistration under

Duty of chief
financial
officer

subsection (1), the chief financial officer of the registered party or constituency association shall, at the same time, file with the Commission financial statements of assets and liabilities and of income and expenses of the political party or constituency association, as the case may be, for which he or she acted for the period commencing with the day immediately following the most recent period for which a financial statement has been filed with the Commission under section 42 or this section and ending on the last day upon which any financial activity of the political party or the constituency association, as the case may be, has occurred, together with the auditor's report thereon as required by subsection 41 (4).

Registration
of candidate

14.—(1) Every candidate shall, prior to the polling day, file with the Commission an application for registration under this Act.

Idem

(2) No person and no person, corporation or trade union acting on behalf of such person and, except as provided under subsections 10 (1) and 11 (1), no political party or association or organization thereof acting on behalf of such person, shall accept contributions for the candidacy of such person at an election or for an election campaign of such person unless such person is a candidate registered under this Act.

Application
for
registration

(3) The Commission shall maintain a register of candidates in relation to each election and, subject to this section, shall register therein any candidate that files an application for registration with the Commission setting out,

(a) that the candidate,

1984, c. 54

(i) has been duly nominated in accordance with the *Election Act, 1984* by filing nomination papers with the returning officer in an electoral district following the issue of a writ of election, together with the name of the electoral district,

(ii) has not been so nominated in accordance with the *Election Act, 1984* but has been nominated by a constituency association registered under this Act and has enclosed with the application a statement to that effect by the chief financial officer of the constituency association, together with the name of the constituency association and the electoral district, or

1984, c. 54

(iii) has not been so nominated in accordance with the *Election Act, 1984* but, after the issue of a

writ for an election in an electoral district, has declared as an independent candidate at the election in that electoral district, together with the name of the electoral district;

- (b) the full name and address of the candidate;
- (c) the political party affiliation, if any, of the candidate;
- (d) the address of the place or places in Ontario where records of the candidate are maintained and of the place in Ontario to which communications may be addressed;
- (e) the name of the auditor and chief financial officer of the candidate;
- (f) the names of all persons authorized by the candidate to accept contributions;
- (g) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by or on behalf of the candidate as the depositories for all contributions made to that candidate; and
- (h) the names of the persons responsible for each depository referred to in clause (g).

(4) A candidate who files an application under subsection (3),

Effective
date of
registration

- (a) prior to the issue of a writ for an election shall be deemed to be registered effective from the issue of the writ; and
- (b) after the issue of a writ for an election shall be deemed to be registered on the day of filing.

(5) An application under subsection (3) may be filed with the Commission by registered mail in which case it shall be deemed to be filed on the day it is mailed.

Mailing of
application
deemed filing

(6) Where a registered candidate withdraws his or her candidacy prior to polling day or fails to file nomination papers with the returning officer under the *Election Act, 1984* or dies prior to polling day, the campaign period with respect to that candidate is deemed to expire on the day of the withdrawal of the candidacy, on nomination day or on the day of his or her

Where
candidate
withdraws,
etc.
1984, c. 54

death, whichever first occurs, and the chief financial officer for that candidate shall file with the Commission the statement referred to in section 43 within sixty days after the expiration of the campaign period with respect to that candidate.

Registration
of leadership
contestant

15.—(1) No person and no person, corporation or trade union acting on behalf of that person and no political party or association or organization thereof acting on behalf of that person shall accept contributions for the candidacy of that person for the leadership of a registered party or for a leadership campaign of that person unless that person is a leadership contestant registered under this Act.

Notice of
leadership
convention

(2) A registered political party that proposes to hold a leadership convention shall file with the Commission a statement setting forth the date of the official call of the leadership convention and the date fixed for the leadership vote.

Application
for
registration

(3) The Commission shall maintain a register of leadership contestants in relation to each leadership convention and, subject to this section, shall register therein any leadership contestant that files an application for registration with the Commission setting out,

- (a) the full name of the leadership contestant;
- (b) the address of the place or places in Ontario where records of the leadership contestant are maintained and of the place in Ontario to which communications may be addressed;
- (c) the names of the principal officers, including the chief financial officer and auditor, of the leadership contestant;
- (d) the names of all persons authorized by the leadership contestant to accept contributions;
- (e) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by or on behalf of the leadership contestant as the depositories for all contributions made to that leadership contestant;
- (f) the names of the persons responsible for each depository referred to in clause (e); and
- (g) the certification of the registered party that the leadership contestant has met the constitutional

requirements of that party for eligibility to contest the leadership of that party.

(4) An application under subsection (3) shall not be filed with the Commission prior to the date of the official call of the leadership convention and unless the registered party that proposes to hold such leadership convention has filed with the Commission the statement referred to in subsection (2).

Time for
filing
application

(5) A leadership contestant who files an application under subsection (3) shall be deemed to be registered on the day of filing.

Deemed
registered
on day of
filing

16.—(1) All documents filed with the Commission are public records and may be inspected by any person upon request at the offices of the Commission during normal office hours.

Inspection
of informa-
tion on
file with
Commission

(2) Any person may take extracts from the documents referred to in subsection (1) and is entitled to copies thereof upon payment for the preparation of the copies at such rate as the Commission may determine.

Extracts

(3) No person, corporation or trade union shall use any of the information contained in any document filed with the Commission for purposes of commercial solicitation.

Not to be
used for
commercial
solicitation

CONTRIBUTIONS

17.—(1) Contributions to political parties, constituency associations, candidates and leadership contestants registered under this Act may be made only by persons individually, corporations and trade unions.

Contributors
and how
contributions
to be made

(2) Moneys contributed to political parties, constituency associations, candidates or leadership contestants registered under this Act in amounts in excess of \$25 shall be made only by,

How contri-
butions of
money to
be made

- (a) a cheque having the name of the contributor legibly printed thereon and drawn on an account in the contributor's name;
- (b) a money order signed by the contributor; or
- (c) in the case of moneys contributed by an individual, the use of a credit card having the name of the individual contributor imprinted or embossed thereon.

Depositing of
contributions

(3) All moneys accepted by or on behalf of a political party, constituency association, candidate or leadership contestant registered under this Act shall be paid into the appropriate depository on record with the Commission.

Return of
contributions
made in
contravention
of Act

18.—(1) Where the chief financial officer learns that any contribution received by or on behalf of the political party, constituency association, candidate or leadership contestant for whom he or she acts was made or received in contravention of any provision of this Act, the chief financial officer shall, within thirty days after learning that the contribution was made contrary to this Act and upon obtaining the contributor's copy of the receipt issued under section 26 in respect of that contribution, return the contribution or an amount equal to the sum contributed.

Anonymous,
etc., contri-
butions

(2) Any contribution not returned to the contributor in accordance with subsection (1) or any anonymous contribution received by a political party, constituency association, candidate or leadership contestant registered under this Act shall not be used or expended, but shall be paid over to the Commission and become part of the funds of the Commission to be used by the Commission in carrying out its responsibilities under this Act.

Limitation on
contributions

19.—(1) Contributions by any person, corporation or trade union to political parties, constituency associations and candidates registered under this Act are limited to those set out in clauses (a) and (b) and shall not exceed,

(a) in any year,

(i) \$4,000 to each registered party, and

(ii) \$750 to any registered constituency association, but in respect of registered constituency associations of a registered party, an aggregate of \$3,000 to constituency associations of each registered party; and

(b) in any campaign period in addition to contributions authorized under clause (a),

(i) \$4,000 in relation to the election in such period to each registered party, and

(ii) \$750 in relation to the election in such period to any registered candidate, but in respect of candidates endorsed by a registered party, an

aggregate of \$3,000 to registered candidates of each registered party.

(2) Where writs for two or more by-elections bear the same date and provide for the same polling day, all such by-elections shall be deemed one election for the purposes of clause (1) (b). By-elections

(3) Any moneys used for a political campaign by a registered candidate out of the candidate's own funds shall be considered to be a contribution for the purposes of this Act and every registered candidate shall submit to the candidate's chief financial officer a statement in writing setting forth all campaign expenses paid or to be paid out of the candidate's own funds, together with all receipts and claims therefor, within three months after polling day. Candidate's funds considered contribution

20.—(1) Subject to section 32, no person, corporation or trade union shall contribute to any political party, constituency association, candidate or leadership contestant registered under this Act funds not actually belonging to the person, corporation or trade union or any funds that have been given or furnished by any person or group of persons or by a corporation or trade union for the purpose of making a contribution thereof. Contributor to contribute only funds belonging to contributor

(2) No political party, constituency association, candidate or leadership contestant registered under this Act, and no person on its, his or her behalf shall solicit or knowingly accept any contribution contrary to subsection (1). Prohibition to accept contributions contrary to subs. (1)

21. No political party, constituency association, candidate or leadership contestant registered under this Act shall accept funds from a federal political party registered under the *Election Expenses Act* (Canada) except that during a campaign period a registered party may accept from such a federal political party an amount not exceeding, in the aggregate, \$100 for each registered candidate endorsed by that registered party and such funds shall be considered not to be contributions for the purposes of this Act but shall be recorded as to source and deposited in the appropriate depository on record with the Commission. Funds from federal parties
1973-74, c. 51 (Can.)

22.—(1) The value of goods and services, other than those that are not contributions by reason of the definition of "contribution" in subsection 1 (1), provided to a political party, constituency association, candidate or leadership contestant registered under this Act shall be, Value of goods and services

- (a) where the contributor is in the business of supplying such goods or services, the lowest amount charged by the contributor for an equivalent amount of similar goods and services at or about the time and in the market area in which the goods or services are provided; and
- (b) where the contributor is not in the business of supplying such goods or services, the lowest amount charged, at or about the time the goods or services are provided, by any other person or corporation providing similar goods on a commercial retail basis or similar services on a commercial basis in the market area in which the goods or services are provided.

Amounts of \$100 or less may be considered not a contribution

(2) The provision of goods or services to a political party, constituency association, candidate or leadership contestant registered under this Act in any year, excluding any campaign period or part thereof in that year, or in any campaign period, having a value, in the aggregate, of \$100 or less may, at the option of the person, corporation or trade union providing such goods or services, be considered not to be a contribution for the purposes of this Act.

Where goods or services provided for price less than value determined under subs. (1)

(3) Where goods or services are provided to a political party, constituency association, candidate or leadership contestant registered under this Act for a price that is less than the value of the goods or services as determined under subsection (1), the amount that the price is less than such value shall, subject to subsection (2), be a contribution for the purposes of this Act.

Advertising as contribution

23.—(1) Where any person, corporation or trade union with the knowledge and consent of a political party or candidate registered under this Act promotes the political party or the election of the candidate or opposes any other registered political party or the election of any other registered candidate by advertising on the facilities of any broadcasting undertaking or by publishing an advertisement in any newspaper, magazine or other periodical publications or printed leaflets, pamphlets or other documents or through the use of any outdoor advertising facility and the amount of the cost thereof,

- (a) in the case of any single such political advertisement is more than \$100; and
- (b) in the case of any such political advertisements from a single source broadcast or published in any year, excluding any campaign period or part thereof in

that year, or in any campaign period in the aggregate exceeds \$100,

such amount shall be considered to be a contribution and, if done during the relevant period, a campaign expense for the purposes of this Act to the political party or candidate with whose knowledge and consent the political advertising was done.

(2) Notwithstanding subsection (1), where political advertising is provided on the facilities of any broadcasting undertaking without charge to registered political parties or to registered candidates in a particular electoral district in accordance with the provisions of the *Broadcasting Act* (Canada), the regulations thereunder and Guides published in accordance therewith, such political broadcasts shall not be considered to be a contribution or an election expense for the purposes of this Act to such political parties or candidates.

Where not considered to be a contribution

R.S.C. 1970, c. B-11

(3) No person, corporation, trade union or registered political party or constituency association shall cause any political advertisement to be broadcast on the facilities of any broadcasting undertaking or published in any newspaper, magazine or other periodical publication or through the use of any outdoor advertising facility unless he, she or it furnishes to the broadcaster or publisher of the political advertisement his, hers or its identification in writing, together with the identification, in writing, of any person, corporation or trade union or registered political party or constituency association sponsoring the political advertisement.

Identification

(4) Any broadcaster who broadcasts or any publisher who publishes a political advertisement shall maintain records for a period of two years after the date of the broadcast or publication setting forth such advertisement, the charge therefor and any material relating to identification furnished to the broadcaster or publisher in connection therewith and shall permit the public to inspect such records during normal office hours.

Records

(5) All political printed advertising, handbills, placards, posters and broadcast or telecast advertisements shall bear or make reference to the name of the person, corporation or trade union authorizing the political advertising.

Reference to person, etc., authorizing advertising

(6) For the purposes of this section, "political advertisement" and "political advertising" means any matter promoting or opposing any registered political party or the election of any registered candidate for which a fee is paid, but does not include any *bona fide* news reporting.

Definition

Fund-
raising
events

24.—(1) In this section, “fund-raising function” includes events or activities held for the purpose of raising funds for the political party, constituency association, candidate or leadership contestant registered under this Act by whom or on whose behalf the function is held.

Income
to be
reported

(2) The gross income from any fund-raising function shall be recorded and reported to the Commission by the chief financial officer of the political party, constituency association, candidate or leadership contestant registered under this Act that held or on whose behalf the function was held.

Where
charge
may be
considered
not a
contribution

(3) Where a charge by the sale of tickets or otherwise is made for a fund-raising function, all or any portion of such charge, up to a maximum of \$25, may, at the option of the registered party, constituency association, candidate or leadership contestant by whom or on whose behalf the function was held, be considered not to be a contribution for the purposes of this Act.

Where
amounts
to be
considered
contribution

(4) Any amount paid for goods or services offered for sale at a fund-raising function in excess of the highest amount charged, at or about the time the goods or services are provided, by any other person providing similar goods on a commercial retail basis or similar services on a commercial basis in the market area in which the goods or services are provided, shall be considered to be a contribution for the purposes of this Act.

Collection
of moneys at
meetings

25. Where at a meeting held on behalf of or in relation to the affairs of a candidate, political party or constituency association registered under this Act money is given in response to a general collection of money solicited from the persons in attendance at the meeting, no amount shall be given anonymously by any person in excess of \$10 and the amounts so given shall be considered not to be contributions for the purposes of this Act but the gross amount collected shall be recorded and reported to the Commission by the chief financial officer of the candidate, political party or association, as the case may be.

Receipts

26. Every political party, constituency association, candidate or leadership contestant registered under this Act shall issue or cause to be issued receipts as required by the Commission for every contribution accepted.

Group
contributions

27.—(1) Any contribution to a political party, constituency association, candidate or leadership contestant registered under this Act made through any unincorporated association or organization, except a trade union or an affiliated political

organization in accordance with subsection (3), shall be recorded by the unincorporated association or organization as to the individual sources and amounts making up such contribution.

(2) The amounts making up a contribution under subsection (1) that are attributable to any person, corporation or trade union are contributions of such person, corporation or trade union for the purposes of this Act.

Application of Act to amounts making up contribution

(3) An affiliated political organization may make a contribution in any year to the political party or any constituency association with which it is affiliated as if it were a person for the purposes of clause 19 (1) (a).

Contribution by affiliated political organization

(4) For the purposes of this section, “affiliated political organization” means any political organization that is affiliated with and endorsed by a political party or one or more constituency associations registered under this Act.

Definition

28. A registered party and any of its constituency associations or official candidates registered under this Act may transfer or accept funds, goods and services to or from each other and all such funds, goods, other than goods held in inventory for any candidate for use during a campaign period, and services accepted by such political party, constituency association or candidate shall be considered not to be contributions or campaign expenses for the purposes of this Act but shall be recorded as to source and any funds accepted shall be deposited in the appropriate depository on record with the Commission.

Transfer of funds, etc., among parties, constituency associations and candidates

29. No political party, constituency association or candidate registered under this Act and no person on its or his or her behalf shall knowingly accept any contributions in excess of the limits imposed by this Act.

Parties, etc., not to receive contributions in excess of limitations

30.—(1) No political party, constituency association, candidate or leadership contestant registered under this Act shall directly or indirectly,

Contributions prohibited from outside Ontario and to persons, etc., outside Ontario

(a) knowingly accept contributions from any person normally resident outside Ontario, from any corporation that does not carry on business in Ontario or from a trade union other than a trade union as defined in this Act; or

(b) contribute or transfer funds to any political party, constituency association, candidate or leadership contestant not registered under this Act, including a

1973-74,
c. 14 (Can.)

R.S.O. 1980,
c. 308

1973-74,
c. 51 (Can.)

federal political party registered under the *Canada Elections Act*, any federal constituency association or candidate at a federal election endorsed by such federal political party and any candidate at a municipal election under the *Municipal Elections Act*, except that "during an election" as defined in the *Canada Elections Act* a registered party may transfer to a federal political party registered under the *Election Expenses Act* (Canada) an amount not exceeding, in the aggregate, \$100 for each candidate at a federal election in a federal electoral district in Ontario who is endorsed as a candidate by that federal political party.

No transfer
of funds
from
constituency
association
to leadership
contestant

(2) No constituency association registered under this Act shall directly or indirectly contribute or transfer funds to any leadership contestant registered under this Act.

Annual
membership
fees

31. An annual membership fee paid for membership in a political party or in a constituency association of such party or in both may be considered not to be a contribution for the purposes of this Act provided such fee or, where a fee is paid to the party and to a constituency association of that party, the total of such fees does not exceed \$25 and the political party and constituency association maintain a membership list indicating the amount of such fee or fees paid by each member that is allocated to the political party or constituency association, as the case may be.

Trade
unions
check-off

32. Contributions of not more than 15 cents per month by any member of a bargaining unit represented by a trade union through payroll deductions shall not be considered contributions from a person for the purposes of this Act, but any amounts contributed to a political party, constituency association or candidate registered under this Act from such funds shall be deemed to be a contribution from the trade union.

Who may
accept
contributions
for candidate
or leadership
contestant

33. No contribution shall be accepted by a registered candidate or registered leadership contestant otherwise than through his or her chief financial officer or other person on record with the Commission as authorized to accept contributions.

Chief
financial
officer,
of party or
association

34.—(1) Every political party and constituency association that is applying for registration under this Act, before filing its application with the Commission, shall appoint a chief financial officer.

(2) Every candidate and every leadership contestant who is applying for registration under this Act, before filing his or her application with the Commission, shall appoint a chief financial officer.

of candidate
or leadership
contestant

(3) Where the chief financial officer of a political party, constituency association, candidate or leadership contestant, ceases for any reason to hold office as such, the political party, constituency association, candidate or leadership contestant, as the case may be, shall forthwith appoint another chief financial officer and shall immediately give notice in writing to the Commission of the name of the new chief financial officer.

Appointment
of new chief
financial
officer

(4) The chief financial officer of a political party, constituency association, candidate and leadership contestant registered under this Act in relation to the affairs of the party, constituency association, candidate or leadership contestant who appointed him or her shall be responsible for ensuring that,

Responsi-
bilities

- (a) proper records are kept of all receipts and expenditures;
- (b) contributions are placed in the appropriate depository;
- (c) proper receipts are completed and dealt with in accordance with this Act;
- (d) the financial statements as required by sections 42, 43 and 45 together with the auditor's report thereon are filed with the Commission in accordance with this Act; and
- (e) contributions consisting of goods or services are valued and recorded in accordance with this Act.

35.—(1) Where any person acting on behalf of,

Recording of
contributions

- (a) a political party or a constituency association registered under this Act, accepts in any year, excluding any campaign period or part thereof in that year, or in any campaign period;
- (b) a candidate registered under this Act, accepts in any campaign period; or
- (c) a leadership contestant registered under this Act, accepts in any leadership contest period,

a single contribution in excess of \$25 or contributions from a single source that in the aggregate exceed \$25, the chief financial officer of such political party, constituency association, candidate or leadership contestant, as the case may be, shall record all such contributions and, in the case of a single contribution in excess of \$100 or contributions from a single source that in the aggregate exceed \$100, the name and address of the contributor.

Separate
recording of
contributions

(2) All contributions referred to in subsection (1) accepted on behalf of a political party or a constituency association registered under this Act in any year, excluding any campaign period or part thereof in that year, shall be recorded separately from all contributions accepted on behalf of that political party or constituency association in any campaign period.

BORROWING

Borrowing
by parties,
etc.

36.—(1) A political party, constituency association, candidate or leadership contestant registered under this Act may borrow from any chartered bank or other recognized lending institution in Ontario, provided that all such loans and the terms thereof, including the name of any guarantor thereof, are recorded by the political party, constituency association, candidate or leadership contestant and reported to the Commission.

Limitation

(2) No political party, constituency association, candidate or leadership contestant registered under this Act shall receive any support in the form of a loan from any person, corporation, trade union, or unincorporated association or organization, other than from a registered party, a registered constituency association, or a chartered bank or other recognized lending institution as provided in subsection (1).

LOANS

Guarantee
of loans
to parties,
etc.,
prohibited

37.—(1) Subject to subsection (2), no person, corporation, trade union, unincorporated association or organization shall make, or sign, co-sign or provide collateral security for any loan, monetary obligation or indebtedness for or on behalf of any political party, constituency association, candidate or leadership contestant registered under this Act.

Exception

(2) Any person, corporation or trade union who is eligible to make a contribution under this Act may guarantee any loan referred to in subsection 36 (1).

When
guarantee
considered
contribution

(3) Any guarantee or any payment made by a guarantor in respect of a loan referred to in subsection 36 (1) shall not be

considered to be a contribution for the purposes of this Act, provided that, where the guarantor forgives or waives all or any part of the borrower's indebtedness that has been guaranteed, the amount so forgiven or waived shall be considered to be a contribution for the purposes of this Act and may be forgiven or waived only to the extent permitted under section 19.

CAMPAIGN ADVERTISING

38.—(1) No political party, constituency association or candidate registered under this Act and no person, corporation or trade union acting with its, his or her knowledge and consent shall, after the issue of a writ for an election and before the day immediately following polling day, except during the period of twenty-one days immediately preceding the day before polling day,

Period of
campaign
advertising
limited

- (a) advertise on the facilities of any broadcasting undertaking; or
- (b) procure for publication, cause to be published or consent to the publication of, except during such period, an advertisement in a newspaper, magazine or other periodical publication or through the use of outdoor advertising facilities,

for the purpose of promoting or opposing any registered party or the election of a registered candidate.

(2) Subsection (1) does not apply to,

Exceptions

- (a) advertising of public meetings in constituencies;
- (b) announcing candidate or constituency headquarters' locations;
- (c) advertising for volunteer campaign workers;
- (d) announcing services for electors by candidates or constituency associations respecting enumeration and revision of lists of electors;
- (e) announcing services for electors on polling day; or
- (f) any other matter respecting administrative functions of constituency associations,

providing that advertisements, announcements and other matters are done in accordance with the guidelines of the Commission.

Extension of
period of
campaign
advertising

(3) Nothing contained in subsection (1) prohibits the procuring for publication, causing to be published or consenting to the publication of,

- (a) an advertisement referred to therein on the day immediately preceding polling day in a newspaper which is published in Ontario not more frequently than once a week and whose day of regular publication falls on the day immediately preceding polling day;
- (b) an advertisement referred to therein on the day immediately preceding polling day and on polling day through the use of any commercial billboard advertising facility; or
- (c) *bona fide* news reporting during the period referred to therein,

R.S.C. 1970,
c. B-11

or prohibits the broadcasting on the facilities of a broadcasting undertaking of *bona fide* news reporting in accordance with the provisions of the *Broadcasting Act* (Canada), the regulations thereunder and Guides published in accordance therewith during the period referred to therein.

Rates to be
charged to
parties,
constituency
associations
and
candidates
for
broadcast-
ing time and
advertising
space

(4) No person or corporation shall,

- (a) charge a registered party, constituency association or candidate, or any person acting with its, his or her knowledge and consent, a rate for broadcasting time on any broadcasting undertaking in the period beginning on the twenty-first day before the day immediately before polling day at an election and ending on the second day before polling day, that exceeds the lowest rate charged by the person or corporation for an equal amount of equivalent time on the same facilities made available to any other person in that period; or
- (b) charge a registered party, constituency association or candidate, or any person acting with its, his or her knowledge and consent, a rate for an advertisement in a periodical publication published or distributed and made public in the period referred to in clause (a) that exceeds the lowest rate charged by the person or corporation for an equal amount of equivalent advertising space in the same issue of the periodical or in any other issue thereof published or distributed and made public in that period.

CAMPAIGN EXPENSES

39.—(1) The total campaign expenses incurred by a registered party and any person, corporation, trade union, unincorporated association or organization acting on behalf of that party during any campaign period shall not exceed the aggregate amount determined by multiplying 40 cents by,

Limitation on campaign expenses, of political party

(a) in relation to a general election, the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984*, in the electoral districts in which there is an official candidate of that party; and

1984, c. 54

(b) in relation to a by-election in an electoral district, the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984*, in that electoral district.

(2) The total campaign expenses incurred by a registered candidate, the constituency association endorsing that candidate and any person, corporation, trade union, unincorporated association or organization acting on behalf of that candidate or constituency association during any campaign period shall not exceed the amount that is the aggregate of \$2 for each of the first 15,000 of the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984*, in the candidate's electoral district and \$1 for each of the number of such electors in excess of 15,000 but not exceeding 25,000, and \$0.25 for each of the number of such electors in excess of 25,000.

of candidate and constituency association

(3) In relation to candidates in the electoral districts of Cochrane North, Rainy River, Kenora, Lake Nipigon, Algoma and Nickel Belt, as set out in the Schedule to the *Representation Act, 1986*, the amount determined under subsection (2) shall be increased by \$5,000.

Increase for certain candidates

1986, c. 30

(4) Where the total campaign expenses incurred by a registered party and any person, corporation, trade union, unincorporated association or organization acting on behalf of that party exceed the amount determined under subsection (1) or where the total campaign expenses incurred by a registered candidate, the constituency association endorsing that candidate and any person, corporation, trade union, unincorporated association or organization acting on behalf of that candidate exceed the amount determined under subsection (2), the amount of the subsidy, if any, payable to the political party's chief financial officer under subsection 46 (6) or to the candidate's chief financial officer under subsection 46 (1), as

Reduction of subsidy

the case may be, shall be reduced by an amount equal to such excess.

Approval
of chief
financial
officer

(5) No constituency association shall incur campaign expenses in an aggregate amount in excess of the amount that has been previously approved in writing by the chief financial officer of the candidate endorsed by that constituency association.

Time for
submission
of payment
claims

(6) Every person, corporation or trade union who has any claim for payment in relation to a campaign expense shall submit such claim within three months after polling day to the chief financial officer of the registered party, constituency association or candidate that incurred the campaign expense.

Payment of
expenses by
chief
financial
officer

(7) Every payment of a campaign expense shall be made by the chief financial officer of the registered party, constituency association or candidate that incurred the campaign expense and, except where the campaign expense is less than \$25, such campaign expense shall be vouched for by a statement setting forth the particulars and proof of payment.

Disputed
claims

(8) Where the chief financial officer of a registered party, constituency association or candidate disputes or refuses to pay any claim for payment in relation to a campaign expense, such claim shall be considered to be a disputed claim and the claimant may bring an action for payment in any court of competent jurisdiction.

FOUNDATION

Establish-
ment of
foundation

40.—(1) A political party shall, prior to filing an application for registration under this Act, establish a non-profit corporation as a foundation for the purposes of receiving and managing the assets, except the premises, equipment, supplies and other such property required for the administration of the affairs of the party, held by the political party immediately prior to filing such application and,

1980-81,
c. 40 (Can.)

R.S.O. 1980,
cc. 249, 512

(a) all the assets of the foundation shall consist of deposits with The Province of Ontario Savings Office, a bank to which the *Bank Act* (Canada) applies or a trust company registered under the *Loan and Trust Corporations Act* or shall be invested in investments authorized for trust moneys by the *Trustee Act*;

(b) no funds or other property shall be received by or transferred to the foundation after the filing of an application for registration of that political party other than interest on the amounts on deposit or the

income from investments referred to in clause (a); and

- (c) the foundation shall file with the Commission, on or before the 31st day of May in each year, a report of the expenditures of the foundation during the previous year.

(2) Funds transferred by the foundation to a political party, constituency association or candidate are not contributions for the purposes of this Act but shall be recorded as to amount and source by the recipient of the funds.

Foundation funds not contributions

(3) Subsection (1) does not apply, and shall be deemed never to have applied, to a political party whose assets, at the time of application for registration under this Act, consist only of the premises, equipment, supplies and other such property required for the administration of the affairs of the political party.

Application

AUDITORS

41.—(1) Every candidate and leadership contestant at the time of appointment of his or her chief financial officer, and every registered party and registered constituency association, within thirty days after becoming registered under this Act, shall appoint an auditor licensed under the *Public Accountancy Act* or a firm whose partners resident in Ontario are licensed under that Act and shall forthwith advise the Commission of the name and address of such auditor or firm.

Appointment of auditor

R.S.O. 1980, c. 405

(2) Where an auditor appointed under subsection (1) ceases for any reason, including resignation, to hold office as such, ceases to be qualified as provided in subsection (1) or becomes ineligible as provided in subsection (3), the candidate, leadership contestant, political party or constituency association, as the case may be, shall forthwith appoint another auditor licensed under the *Public Accountancy Act* or a firm whose partners resident in Ontario are licensed under that Act and shall forthwith advise the Commission of the name and address of such auditor or firm.

Idem

(3) No returning officer, deputy returning officer or election clerk and no candidate, or leadership contestant, or chief financial officer of a candidate or leadership contestant, or chief financial officer of a registered party or constituency association shall act as the auditor for the candidate, leadership contestant, registered party or constituency association, but nothing in this subsection makes ineligible the partners or firm with which such a person is associated from acting as an

Persons not eligible

auditor for a candidate or registered party or constituency association or leadership contestant.

Auditor's
report

(4) The auditor appointed under subsection (1) or (2) shall make a report to the chief financial officer of the candidate, leadership contestant, political party or constituency association that appointed the auditor in respect of the financial statements, as required by sections 42, 43 and 45 and shall make such examination of the financial statements and supporting documentation as is necessary to enable the auditor to report thereon in accordance with generally accepted auditing standards.

Where
statement
required

(5) An auditor, in the report under subsection (4), shall make such statements as the auditor considers necessary in any case where,

- (a) the auditor has not received from the chief financial officer all the information and explanation that he or she has required; or
- (b) proper accounting records have not been kept by the chief financial officer so far as appears from the auditor's examination.

Right of
access

(6) An auditor appointed under subsection (1) or (2) shall have access at all reasonable times to all records, documents, books, accounts and vouchers of the candidate, leadership contestant, political party or constituency association that appointed the auditor and is entitled to require from the chief financial officer such information and explanation as in the auditor's opinion may be necessary to enable the auditor to report as required by subsection (4).

Auditor's
subsidy

(7) The Commission shall subsidize the cost of auditors' services for constituency associations, candidates and leadership contestants by paying,

- (a) to the auditor of each constituency association in respect of an audit for the association under sections 42, 43 and 45, the lesser of \$400 and the amount of the auditor's account to the association;
- (b) to the auditor of a candidate in respect of an audit for the candidate under sections 43 and 45, the lesser of \$800 and the amount of the auditor's account to the candidate; and
- (c) to the auditor of a leadership contestant in respect of an audit for the leadership contestant under sec-

tions 43 and 45, the lesser of \$600 and the amount of the auditor's account to the leadership contestant.

FINANCIAL STATEMENTS

42. The chief financial officer of every political party and constituency association registered under this Act shall, on or before the 31st day of May in each year, file with the Commission a financial statement,

Annual
filing of
financial
statement
and report

- (a) of assets and liabilities as at the end of the previous year;
- (b) of income and expenses for the previous year, excluding, in the case of a political party, the income and expenses relating to an election received or incurred in a campaign period and, in the case of a constituency association, all income and expenses received or incurred in a campaign period; and
- (c) setting out all the information required to be recorded under subsection 35 (1) for the previous year, excluding such information that relates to a campaign period,

of the political party or constituency association for which the chief financial officer acts, together with the auditor's report thereon as required by subsection 41 (4).

43.—(1) The chief financial officer of every political party, constituency association and candidate registered under this Act shall, within six months after polling day, file with the Commission a financial statement,

Filing of
financial
statement
relating to
campaign
period

- (a) in the case of a political party, of the income and expenses relating to the election received or incurred in the campaign period and in the case of a constituency association or candidate, of all income and expenses received or incurred in the campaign period;
- (b) of all campaign expenses, paid and outstanding, incurred in a campaign period and a statement of all disputed claims; and
- (c) setting out all the information required to be recorded under subsection 35 (1) that relates to the campaign period,

of the political party, constituency association or candidate for which the chief financial officer acts, together with the auditor's report thereon as required by subsection 41 (4).

By-elections

(2) In relation to a by-election, subsection (1) applies only to registered political parties and constituency associations that received contributions or made expenditures in relation to such by-election, and to registered candidates at such by-election.

Where
general
election
called

(3) Where writs for a general election are issued during a campaign period relating to a by-election, the campaign period relating to such by-election shall, for the purposes of subsection (1), be deemed to have terminated on the day before the day the writs for the general election were issued and the financial statements referred to in subsection (1) shall be filed with the Commission within three months after the deemed termination of the campaign period.

Filing of
financial
statement
relating to
leadership
contest

(4) The chief financial officer of every leadership contestant registered under this Act shall, within six months after the date of the leadership vote, file with the Commission a financial statement,

- (a) of all income and expenses received or incurred in a leadership contest period; and
- (b) setting out all the information required to be recorded under subsection 35 (1), of the leadership contestant for whom the chief financial officer acts, together with the auditor's report thereon as required by subsection 41 (4).

Surplus

(5) Where the leadership contestant's financial statement shows a surplus, such surplus shall be forthwith paid over to the registered party, the leadership of which the leadership contestant was contesting.

Failure of
candidate
or leadership
contestant
not elected to
file
statement
and report

44.—(1) Where the chief financial officer of a registered candidate or leadership contestant who is not declared elected fails to file a financial statement as required by section 43, together with the auditor's report thereon as required by subsection 41 (4), the candidate or leadership contestant, in addition to any other penalty, is ineligible to stand as a candidate at any election up to and including the next general election unless prior thereto he or she or the chief financial officer has filed such financial statement and the auditor's report thereon with the Commission.

Vacation
of seat

(2) Where,

- (a) in the case of a registered candidate who is elected as a member of the Assembly, the total campaign expenses incurred by the member during the campaign period relating to the election at which the candidate was elected exceeds the amount determined under subsection 39 (2); or
- (b) in the case of a registered candidate or registered leadership contestant who is elected or sitting as a member of the Assembly, the chief financial officer of the member fails to file a financial statement as required by section 43, together with the auditor's report thereon as required by subsection 41 (4),

the Commission shall notify the Speaker who shall inform the Assembly and, if the Assembly finds no mitigating reason for non-compliance, the member shall forthwith vacate his seat and, in addition, the member is liable to any other penalty that may be imposed under any Act.

- (3) Where a member is required to vacate his or her seat, Speaker's
warrant
 - (a) under clause (2) (a); or
 - (b) under clause (2) (b), unless the member or his or her chief financial officer files a financial statement and the auditor's report thereon with the Commission within sixty days after the Speaker has informed the Assembly of the non-compliance under subsection (2),

the Speaker shall address a warrant under the hand and seal of the Speaker to the Chief Election Officer for the issue of a writ for the election of a member in the place of the member whose seat is vacated and the writ shall be issued accordingly.

45.—(1) Where the chief financial officer of a registered political party or constituency association ceases for any reason, other than death or incapacity, to hold office as such, the chief financial officer shall, within forty-five days following the day on which he or she ceased to hold office, file with the Commission financial statements of assets and liabilities and of income and expenses of the political party or constituency association, as the case may be, for which the chief financial officer acted for the period commencing with the day immediately following the most recent period for which a financial statement has been filed with the Commission under section 42 or this section and ending on the day on which he or she ceased to hold office, together with the auditor's report thereon as required by subsection 41 (4).

Where chief
financial
officer ceases
to hold office

Idem

(2) Where the chief financial officer of a registered candidate or leadership contestant ceases for any reason, other than death or incapacity, to hold office as such during a campaign period or leadership contest period, as the case may be, the chief financial officer shall, within forty-five days following the day on which he or she ceased to hold office, file with the Commission a financial statement of income and expenses of the candidate or leadership contestant for whom the chief financial officer acted for the period commencing with the later of the day of his or her appointment and the day the candidate or leadership contestant became registered with the Commission and ending on the day on which he or she ceased to hold office, together with the auditor's report thereon as required by subsection 41 (4).

Where
financial
statements
not filed

(3) Where, for any reason, the chief financial officer fails to file the financial statements required by subsection (1) or (2), or where the chief financial officer has died or become incapacitated, the political party, constituency association, candidate or leadership contestant, as the case may be, for which the chief financial officer acted shall, within sixty days following the day on which the chief financial officer ceased to hold office, file with the Commission the financial statements required by subsection (1) or (2), as the case may be, together with the auditor's report thereon as required by subsection 41 (4).

PUBLIC FUNDING OF CANDIDATE AND PARTY EXPENSES

Reimburse-
ment of
campaign
expenses

46.—(1) Every registered candidate in an electoral district who receives at least 15 per cent of the popular vote in such electoral district is entitled to be reimbursed by the Commission for the lesser of campaign expenses for the campaign period as shown on the statement of income and expenses filed with the Commission, in accordance with section 43, together with the auditor's report in accordance with subsection 41 (4), or an amount equal to 20 per cent of the maximum expenditure limit in accordance with subsection 39 (2).

Idem

1986, c. 30

(2) In relation to candidates in the electoral districts of Cochrane North, Rainy River, Kenora, Lake Nipigon, Algoma and Nickel Belt, as set out in the Schedule to the *Representation Act*, 1986, the amount determined under subsection (1) shall be increased by \$5,000.

No reim-
bursement
unless
financial
statement
and report
filed

(3) A candidate is not entitled to be reimbursed for expenses under subsection (1) unless the candidate or his or her chief financial officer has filed the financial statements of income and expenses as required by section 43, together with

the auditor's report thereon as required by subsection 41 (4), and the Commission is satisfied that such statements meet the requirements of this Act.

(4) Where the candidate's financial statement shows a deficit and the candidate is entitled to be reimbursed for expenses under subsection (1), the moneys payable to his or her chief financial officer shall be first applied to discharge the debts creating the deficit and should any deficit remain thereafter, in the case of a candidate endorsed as the official candidate of a registered party, the deficit shall be assumed by the registered constituency association endorsing that candidate.

Moneys to be applied to discharge debts of candidate

(5) Any surplus, determined by taking into account in the financial statement of a registered candidate the moneys, if any, paid to the candidate's chief financial officer under subsection (1), shall be forthwith paid over,

Surplus in candidate's account

- (a) in the case of a candidate endorsed as the official candidate of a registered party, to that registered party or to the registered constituency association endorsing the candidate; and
- (b) in the case of an independent candidate, to the Commission.

(6) Every registered party that receives at least 15 per cent of the popular vote in any electoral district and that has filed its statement of income and expenses with the Commission in accordance with section 43, together with the auditor's report in accordance with subsection 41 (4), is entitled to be reimbursed by the Commission for the aggregate amount determined by multiplying 5 cents by the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984* in each electoral district in which the political party received 15 per cent of the popular vote and such moneys shall be payable to the political party's chief financial officer.

Reimbursement of political party's expenses

1984, c. 54

(7) A political party is not entitled to be reimbursed for expenses under subsection (6) unless its chief financial officer has filed the financial statements required by section 43, together with the auditor's report thereon as required by subsection 41 (4), and the Commission is satisfied that such statements meet the requirements of this Act.

Filing of financial statements required

(8) In this section,

Definitions

"independent candidate" means a person referred to in clause (c) of the definition of "candidate" in subsection 1 (1);

“popular vote” means the total counted ballots cast in favour of all candidates in an electoral district and does not include any rejected, cancelled, declined or unused ballot.

FORMS

Forms

47. All applications, returns, statements, balance sheets and other documents required to be filed with the Commission shall be filed in the form prescribed therefor by the Commission.

OFFENCES

Offence by
chief
financial
officer

48.—(1) The chief financial officer of a political party, constituency association, candidate or leadership contestant registered under this Act who contravenes section 42, 43 or 45 is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

Offence by
party or
constituency
association

(2) Where any contravention of this Act that is an offence by virtue of subsection (1) is committed by a chief financial officer of a political party, constituency association, candidate or leadership contestant registered under this Act, the political party, constituency association, candidate or leadership contestant for which the chief financial officer acts is guilty of an offence and on conviction is liable,

- (a) in the case of a registered party, to a fine of not more than \$2,000; and
- (b) in the case of a registered constituency association, registered candidate or registered leadership contestant, to a fine of not more than \$1,000.

Offence by
corporation
or union

49. Every corporation or trade union that contravenes any of the provisions of this Act is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

General
offence

50. Every person, political party or constituency association that contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

Offence for
obstructing
investigation

51. No person shall obstruct a person making an investigation or examination under this Act or withhold from him or her or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation or examination.

52. No person shall knowingly make a false statement in any application, return, financial statement or other document filed with the Commission under this Act. Offence for false statement

53. No person shall knowingly give false information to a chief financial officer or other person authorized to accept contributions. Offence for false information

54.—(1) A prosecution for an offence under this Act may be instituted against a political party, constituency association or trade union in the name of the political party, constituency association or trade union and for the purposes of any such prosecution, a political party, constituency association or trade union shall be deemed to be a person. Style of prosecution of party, constituency association or union

(2) Any act or thing done or omitted by an officer, official or agent of a political party, constituency association or trade union within the scope of his or her authority to act on behalf of the political party, constituency association or trade union shall be deemed to be an act or thing done or omitted by the political party, constituency association or trade union. Vicarious responsibility

55. No prosecution shall be instituted under this Act without the consent of the Commission and no prosecution shall be instituted more than one year after the facts upon which the prosecution is based first came to the knowledge of the Commission. Consent of Commission and limitation

56.—(1) The *Election Finances Reform Act*, being chapter 134 of the Revised Statutes of Ontario, 1980, is repealed. Repeal

(2) Notwithstanding subsection (1), the *Election Finances Reform Act* shall be deemed to continue in force in respect of those persons registered with the Commission under that Act as candidates at a by-election for which a writ was issued prior to the day this Act receives Royal Assent. Exception R.S.O. 1980, c. 134

COMPLEMENTARY AMENDMENTS

57. Subsection 28 (1) of the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, is amended,

- (a) by striking out “at an election of a member or members to serve in the Assembly” in the ninth and tenth lines; and
- (b) by striking out “\$4,000” in subclause (a) (iii) and inserting in lieu thereof “\$7,000”.

58. Subsection 7 (6) of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Tax credit
for election
contributions

1986, c. 30

(6) In respect of the aggregate amounts (the aggregate of which amounts is hereafter in this subsection referred to as “the amount contributed”) that are contributions for the purposes of the *Election Finances Act*, 1986, and that are contributed in the taxation year by an individual to registered candidates, to registered constituency associations or to registered parties, every individual resident in Ontario on the last day of the taxation year may deduct from the amount by which his or her tax payable under this Act for that taxation year calculated without reference to this section exceeds the amount of the deduction to which he or she is entitled under subsection (2) for the taxation year,

- (a) 75 per cent of the amount contributed if the amount contributed does not exceed \$200;
- (b) \$150 plus 50 per cent of the amount by which the amount contributed exceeds \$200 and does not exceed \$800; or
- (c) the lesser of,
 - (i) \$450 plus 33 1/3 per cent of the amount by which the amount contributed exceeds \$800 if the amount contributed exceeds \$800, and
 - (ii) \$750,

provided that payment of each amount that is included in the amount contributed is proven by filing with the Minister receipts that are signed by a recorded agent of the registered candidate, registered constituency association or registered party, as the case may be, and that contain the information prescribed to be shown on such receipts.

59.—(1) Clauses 1 (1) (m) and (n) of the *Election Act*, 1984, being chapter 54, are repealed and the following substituted therefor:

- (m) “registered candidate” means a candidate registered with the Commission on Election Finances under the *Election Finances Act*, 1986;
- (n) “registered party” means a political party registered with the Commission on Election Finances under the *Election Finances Act*, 1986.

(2) Subsection 19 (3) of the said Act is amended by striking out “and” at the end of clause (d), by adding “and” at the end of clause (e) and by adding thereto the following clauses:

- (f) the determination, in consultation with the Chief Election Officer, of the total number of names on all the lists of electors for the electoral district; and
- (g) a certified statement of the total number of names on all the lists of electors as determined under clause (f) to be furnished as soon as possible to each candidate in the electoral district and to the Commission on Election Finances.

(3) Subsection 27 (9) of the said Act is amended by striking out “Commission on Election Contributions and Expenses under the *Election Finances Reform Act*” in the fourth, fifth and sixth lines and inserting in lieu thereof “Commission on Election Finances under the *Election Finances Act, 1986*”.

(4) The said Act is amended by adding thereto the following section:

63a. Immediately following polling day, the Chief Election Officer shall determine the number of electors that were entitled to vote in each electoral district and, as soon as possible thereafter, shall furnish a certified statement thereof to each candidate in the electoral district and to the Commission on Election Finances.

Statement by
C.E.O. of
number of
electors
entitled
to vote

60.—(1) This Act, except sections 57 and 58, comes into force on the day it receives Royal Assent.

Commence-
ment and
application

(2) Section 57 shall be deemed to have come into force on the 1st day of January, 1986, and applies to corporations in respect of amounts contributed on or after that date.

Idem

(3) Section 58 shall be deemed to have come into force on the 1st day of January, 1986, and applies to the 1986 and subsequent taxation years.

Idem

(4) Notwithstanding subsection (1) of this section, the definition of “trade union” in subsection 1 (1), subsection 1 (2), subsection 17 (2), clause 19 (1) (a), subsection 22 (2), subsections 24 (3) and (4), section 25, subsections 27 (1), (3) and (4), sections 31 and 32 and subsection 35 (1) apply in respect of the whole of the 1986 and each subsequent calendar year.

Application

(5) Notwithstanding subsection (1) of this section, the definition of “campaign period” in subsection 1 (1), clause

Idem

4 (1) (k), subsection 4 (3), clause 19 (1) (b), subsection 19 (3), subsections 38 (2) and (3), sections 39 and 43, subsections 44 (1), (2) and (3) and section 46 apply in respect of a general election or by-election, as the case may be, the writ for which was issued after the day this Act receives Royal Assent.

Idem

(6) Notwithstanding subsection (1) of this section, subsection 41 (7) applies in respect of audited statements the last day for the filing of which under this Act occurs after the day this Act receives Royal Assent.

Short title

61. The short title of this Act is the *Election Finances Act, 1986*.

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B 56

Bill 103

(Chapter 33
Statutes of Ontario, 1986)

An Act to revise the Election Finances Reform Act and to amend certain other Acts respecting Election Financing

The Hon. R. Nixon

Treasurer of Ontario and Minister of Economics

<i>1st Reading</i>	June 24th, 1986
<i>2nd Reading</i>	July 8th, 1986
<i>3rd Reading</i>	July 10th, 1986
<i>Royal Assent</i>	July 10th, 1986



Bill 103

1986

**An Act to revise the Election Finances
Reform Act and to amend certain other Acts
respecting Election Financing**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Definitions

“*bona fide* news reporting” includes interviews, commentaries or other works prepared for and published by any newspaper, magazine or other periodical publication or broadcast on the facilities of any broadcasting undertaking without charge to any political party, constituency association or candidate registered under this Act;

“broadcasting undertaking” means a broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada);

R.S.C. 1970,
c. B-11

“by-election” means an election other than a general election;

“campaign expense” means any expense incurred in relation to an election by or on behalf of a political party, constituency association or candidate registered under this Act during the period commencing with the issue of a writ for an election and terminating on polling day, other than,

- (a) expenses incurred by a candidate in seeking nomination in accordance with the *Election Act, 1984*, 1984, c. 54
- (b) a candidate’s deposit as required under the *Election Act, 1984*,
- (c) auditor’s and accounting fees,
- (d) interest on loans authorized under section 36,
- (e) expenses incurred in holding a fund-raising function referred to in section 24,

- (f) expenses incurred for “victory parties” held and “thank you” advertising published after polling day,
- (g) expenses incurred in relation to the administration of the political party or constituency association,
- (h) transfers authorized under section 28,
- (i) fees paid in respect of maintaining a credit card facility, and
- (j) expenses relating to a recount in respect of the election,

but shall be deemed to include the value of any goods held in inventory for any candidate for use during a campaign period;

“campaign period” means the period commencing with the issue of a writ for an election and terminating three months after polling day;

“candidate” means,

1984, c. 54

- (a) a person who is duly nominated as a candidate for an electoral district in accordance with the *Election Act, 1984* by filing nomination papers with the returning officer for that electoral district following the issue of a writ of election,
- (b) a person who is nominated by a constituency association of a registered party in an electoral district as the official candidate of such party in the electoral district, or
- (c) a person who, on or after the date of the issue of a writ for an election in an electoral district, declares himself or herself to be an independent candidate at the election in the electoral district;

“Commission” means the Commission on Election Finances;

“constituency association”, in an electoral district, means the association or organization endorsed by a registered party as the official association of that party in the electoral district;

“contribution” does not include,

- (a) any goods produced for any political party, constituency association, candidate or leadership contestant by voluntary unpaid labour,
- (b) any service actually performed for any political party, constituency association, candidate or leadership contestant by an individual voluntarily, so long as such individual does not receive from his or her employer or from any person, corporation or trade union pursuant to an arrangement with the individual's employer, compensation in excess of that which he or she would normally receive during the period such service was performed, and
- (c) any moneys, goods or services solicited by or donated to a political party, constituency association, candidate or leadership contestant for purposes other than the purposes set forth in subsections 10 (1), 11 (1), 14 (2) and 15 (1), respectively;

“election” means an election to elect a member or members to serve in the Assembly;

“general election” means an election in respect of which election writs are issued for all electoral districts;

“leadership contest period” means the period commencing with the date of the official call for a leadership convention as set forth in the statement filed by a registered party under subsection 15 (2) and terminating two months after the date of the leadership vote;

“leadership contestant” means a person seeking election as leader of a registered party at a leadership convention called by that party for the purpose;

“leadership vote” means the date on which polling takes place to elect a leader of a registered party at a leadership convention;

“outdoor advertising facilities” means facilities, other than radio and television and newspapers, magazines and other periodical publications, of any person or corporation that is in the business of providing such facilities on a commercial basis for advertising purposes;

“person” includes a candidate but does not include a corporation or trade union;

1984, c. 54 “polling day” means the day fixed under the *Election Act, 1984* for holding the poll at an election;

“registered candidate” means a candidate registered under this Act;

“registered constituency association” means a constituency association registered under this Act;

“registered leadership contestant” means a leadership contestant registered under this Act;

“registered party” means a political party registered under this Act;

R.S.O. 1980, c. 228
R.S.C. 1970, c. L-1 “trade union” means a trade union as defined by the *Labour Relations Act* or the *Canada Labour Code* that holds bargaining rights for employees in Ontario to whom those Acts apply and includes any central, regional or district labour council located in Ontario;

“year” means calendar year.

Associated corporations
R.S.C. 1952, c. 148 (2) Where a corporation is associated with another corporation under section 256 of the *Income Tax Act* (Canada) and where one or both of those associated corporations does not or do not carry on an active business as that expression is defined in paragraph 125 (6) (d) of the *Income Tax Act* (Canada), the two associated corporations shall be considered as a single corporation for the purposes of this Act.

Contested constituency nominations (3) This Act does not apply to campaigns and conventions carried on or held in relation to contested constituency nominations for endorsement of official party candidates.

Existing funds in trust (4) This Act does not apply to,
(a) funds held in trust at 3 o'clock in the afternoon of the 13th day of February, 1975; and
(b) funds raised before the expiration of thirty days after the 13th day of February, 1975 by a fund-raising function organized before that day that are placed in trust,

for the purposes of a constituency association or the future candidacy of any person at an election or a future election campaign of any person, but the trustee or trustees of each such trust shall,

- (c) within sixty days after the 2nd day of May, 1975, report in writing to the Commission the existence of such trust and the total amount of the funds therein;
- (d) maintain the funds remaining in the trust from time to time on deposit with a financial institution that is lawfully entitled to accept deposits or in investments authorized for trust moneys by the *Trustee Act*;
- (e) not permit funds or other property to be added to the trust other than interest on the amounts on deposit or the income from the investments referred to in clause (d);
- (f) file with the Commission on or before the 30th day of April in each year a report of the expenditures from the trust during the previous year and the trustee's declaration that he or she has complied with the provisions of clauses (d) and (e); and
- (g) when the trust is terminated, forthwith notify the Commission thereof.

R.S.O. 1980,
c. 512

COMMISSION ON ELECTION FINANCES

2.—(1) The commission heretofore known as the Commission on Election Contributions and Expenses is continued under the name Commission on Election Finances and shall be composed of,

Commission
continued

- (a) two persons as nominees of each political party that is represented in the Assembly by four or more members of the Assembly and that nominated candidates in at least 50 per cent of the electoral districts in the most recent general election appointed, on the recommendation of the leader of the party, by the Lieutenant Governor in Council for a term of not more than five years;
- (b) a bencher of the Law Society of Upper Canada appointed by the Lieutenant Governor in Council for a term of not more than five years to hold office only while he or she remains a bencher;
- (c) the Chief Election Officer; and
- (d) the chairman of the Commission who shall be appointed by the Lieutenant Governor in Council for a term of five years.

Vice-chairman

(2) The members of the Commission shall elect one of the members appointed under clause (1) (a) as vice-chairman to serve as such for not more than two years.

Absence of chairman

(3) In the absence of the chairman, the vice-chairman may act as chairman.

Meetings

(4) The Commission shall meet on the call of the chairman or of five or more members.

Quorum

(5) Five or more members of the Commission and the chairman or vice-chairman constitute a quorum.

Members not to hold office with or contribute to party or constituency association

(6) Members of the Commission shall not, during their term of office, be members of the Assembly, candidates at an election or leadership contestants or hold office in any political party or constituency association or make contributions to any political party or constituency association registered under this Act.

Reappointment

(7) Any member of the Commission, including the chairman, may be reappointed for one additional term.

Remuneration of members

(8) The chairman of the Commission shall be paid such salary and the other members except the Chief Election Officer shall be paid such *per diem* allowances as may be determined by the Lieutenant Governor in Council.

Staff

3.—(1) The Commission may employ an Executive Director, legal counsel, auditors and such staff as it considers necessary to properly carry out its responsibilities under this Act.

Office accommodation and supplies

(2) The Commission may lease such premises and acquire such equipment and supplies as are necessary to properly carry out its responsibilities under this Act.

Powers and duties

4.—(1) The Commission, in addition to its other powers and duties under this Act, shall,

- (a) assist political parties, constituency associations, candidates and leadership contestants registered under this Act in the preparation of returns required under this Act;
- (b) ensure that every registered constituency association, registered candidate and registered leadership contestant has appropriate auditing services in order to properly comply with this Act;

- (c) examine all financial returns filed with the Commission;
- (d) conduct periodic investigations and examinations of the financial affairs and records of registered political parties, registered constituency associations, registered candidates and registered leadership contestants in relation to election campaigns;
- (e) reimburse candidates and political parties for election expenses in accordance with section 46;
- (f) recommend any amendments to this Act that the Commission considers advisable;
- (g) report to the Attorney General any apparent contravention of this Act;
- (h) prescribe forms and the contents thereof for use under this Act and provide for their use;
- (i) prepare, print and distribute forms for use under this Act;
- (j) provide such guidelines for the proper administration of this Act as it considers necessary for the guidance of auditors, political parties, constituency associations, candidates and leadership contestants and any of the officers thereof; and
- (k) publish, in respect of each campaign period, a joint summary of the income, expenses and subsidy of each candidate, together with the income and expenses of the constituency association endorsing the candidacy of that candidate, in a newspaper or newspapers having a general circulation in the electoral district in which the candidate stood for election.

(2) The Commission shall report annually upon the affairs of the Commission to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Annual
report

(3) The Commission shall, within sixty days following the campaign period in respect of each general election, make recommendations to the Speaker of the Assembly with respect to,

Recommen-
dations
to Speaker

- (a) changes in limits on contributions to registered constituency associations, candidates or political parties;
- (b) changes in limits on campaign expenses which may be incurred during a campaign period by candidates or political parties;
- (c) changes in levels of public funding of candidates or political parties;
- (d) changes in public funding of auditor's fees charged to constituency associations, candidates, political parties and leadership contestants; and
- (e) any other changes in monetary limits that it considers appropriate,

and the Speaker shall cause such recommendations to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Powers of
Commission
under
R.S.O. 1980,
c. 411

5. For the purpose of carrying out any investigation or examination under this Act, the Commission has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such investigation or examination as if it were an inquiry under that Act.

Powers of
inspection

6. For the purposes of an investigation or examination under this Act, a representative of the Commission, upon production of an authorization from the Commission to enter the premises (referred to in the authorization) in which the books, papers and documents of a political party, constituency association, candidate or leadership contestant relevant to the subject-matter of the investigation or examination are kept, may at any reasonable time enter such premises and examine such books, papers and documents.

Information

7. Such information with respect to the affairs of a registered party, registered constituency association, registered candidate or registered leadership contestant that is reasonably required in respect of its duties under this Act as the Commission may request shall be provided by the registered party, registered constituency association, registered candidate or registered leadership contestant within thirty days after receiving a written request therefor from the Commission or within such extended period as the Commission may determine.

8. The remuneration of the members of the Commission and the expenditures required for the operation of the Commission are payable out of moneys appropriated therefor by the Legislature. Expenditures
of
Commission

9. The accounts and financial transactions of the Commission shall be audited annually by the Provincial Auditor. Audit

REGISTRATION

10.—(1) No political party and no person, corporation or trade union acting on behalf of the political party shall accept contributions for the purposes of the political party or for the purposes of any constituency association or for the candidacy of any person at an election or for an election campaign of any person unless the political party is registered under this Act. Registration
of parties

(2) Any political party that, Qualifications
for
registration

(a) nominates candidates in at least 50 per cent of the electoral districts following the issue of a writ for a general election; or

(b) at any time other than during a campaign period and within one year of the Commission making a determination under subsection (7) that the name of the political party and the abbreviation thereof, if any, is registrable, provides the Commission with the names, addresses and signatures of 10,000 persons who,

(i) are eligible to vote in an election, and

(ii) endorse the registration of the political party concerned,

may apply to the Commission for registration in the register of political parties.

(3) The Commission shall maintain a register of political parties and subject to this section shall register therein any political party that is qualified to be registered and that files an application for registration with the Commission, setting out, Application
for
registration

(a) the full name of the political party;

(b) the political party name or abbreviation to be shown in any election documents;

- (c) the name of the leader of the political party;
- (d) the address of the place or places in Ontario where records of the political party are maintained and of the place in Ontario to which communications may be addressed;
- (e) the names of the principal officers of the political party;
- (f) the name of the chief financial officer of the political party;
- (g) the names of all persons authorized by the political party to accept contributions;
- (h) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by the political party as the depositories for contributions made to that political party;
- (i) the names of the political party signing officers responsible for each depository referred to in clause (h); and
- (j) a statement of the assets and liabilities of the political party as of a date not earlier than ninety days prior to the date of its application for registration attested to by the chief financial officer.

Registration
by
Commission

(4) Upon receipt of an application for registration of a political party, the Commission shall examine the application and determine if the political party can be registered, and,

- (a) if the political party can be registered, enter it in the register of political parties and so inform the political party; or
- (b) if the political party cannot be registered, so inform the political party with written reasons for its determination.

Name of
political
party

(5) The Commission shall not register a political party where the name of the party includes the word "independent" or where, in the opinion of the Commission, the name or the abbreviation of the name of the party so nearly resembles the name, abbreviation of the name or sobriquet of a registered party as to be likely to be confused with that registered party.

(6) Where any change in the information referred to,

Variation
of register

- (a) in clause (3) (a) or (b) is proposed to be made, the registered party shall notify the Commission in writing of the proposed change and, unless the Commission determines that the proposed change is so significant as to constitute an entirely new name or abbreviation, the Commission shall, subject to subsection (5), vary the register of political parties accordingly; or
- (b) in clauses (3) (c) to (i) occurs, the registered party shall notify the Commission in writing within thirty days of such alteration and, upon receipt of such notice, the Commission shall vary the register of political parties accordingly.

(7) A political party which intends to apply to the Commission for registration under clause (2) (b) shall, prior to canvassing for signatures for the purpose, submit to the Commission the full name of the political party and the abbreviation thereof, if any, and the Commission shall determine whether the name and abbreviation thereof, if any, is registrable in accordance with subsection (5).

Submission
of name to
Commission

(8) Where the Commission determines that the name and abbreviation thereof, if any, of a political party is registrable, that name and abbreviation thereof, if any, shall be reserved for the political party for a period of one year following the date that the Commission makes the determination and, during the period, the political party shall be deemed to be a registered political party for the purposes of subsection (5).

Reservation
of name

11.—(1) No constituency association of a registered party and no person, corporation or trade union acting on behalf of the constituency association shall accept contributions for the purposes of the constituency association or for the purposes of the registered party or for the candidacy of any person at an election or for an election campaign of any person unless the constituency association is registered under this Act.

Registration
of
constituency
associations

(2) The Commission shall maintain a register of constituency associations and, subject to this section, shall register therein any constituency association of a registered party that files an application for registration with the Commission setting out,

Application
for
registration

- (a) the full name of the constituency association and of the registered party by which it is endorsed;

- (b) the address of the place or places in Ontario where records of the constituency association are maintained and of the place in Ontario to which communications may be addressed;
- (c) the names of the principal officers of the constituency association;
- (d) the name of the chief financial officer of the constituency association;
- (e) the names of all persons authorized by the constituency association to accept contributions;
- (f) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by the constituency association as the depositories for all contributions made to that constituency association;
- (g) the names of the constituency association signing officers responsible for each depository referred to in clause (f); and
- (h) a statement of the assets and liabilities of the constituency association as of a date not earlier than ninety days prior to the date of its application for registration attested to by the chief financial officer.

Registration
by
Commission

(3) Upon receipt of an application for registration of a constituency association, the Commission shall examine the application and determine if the constituency association can be registered and,

- (a) if the constituency association can be registered, enter it in the register of constituency associations and so inform the constituency association; or
- (b) if the constituency association cannot be registered, so inform the constituency association with written reasons for its determination.

Variation
of register

(4) Where any of the information referred to in clauses (2) (a) to (g) is altered, the registered constituency association shall notify in writing the Commission within thirty days of any such alteration and, upon receipt of any such notice, the Commission shall vary the register of constituency associations accordingly.

12.—(1) Every political party and every constituency association that is registered under the *Election Finances Reform Act* on the day before this Act comes into force shall be deemed to be registered under this Act.

Certain political parties and constituency associations deemed registered
R.S.O. 1980, c. 134

(2) All registered constituency associations shall be deemed to be deregistered on the day after the day Royal Assent is given to the *Representation Act, 1986*, and notwithstanding subsection 13 (7), all funds of any association not required to pay outstanding debts shall be held by its chief financial officer in trust for disposition in accordance with subsection (4).

Deregistration of constituency associations
1986, c. 30

(3) A new constituency association, consistent with the newly established electoral districts under the *Representation Act, 1986*, may forthwith apply for registration under section 11.

Registration of new constituency associations

(4) The chief financial officer of a constituency association that has been deregistered under subsection (2) shall be deemed for the purposes of subsection 45 (1) to have ceased to hold office as such on the day on which the constituency association is deregistered but notwithstanding that such chief financial officer no longer holds office, notwithstanding any other provision of this Act, he or she shall be responsible,

Responsibility of chief financial officer

- (a) for recording as to amount and source each contribution accepted after the constituency association is deregistered under subsection (2) and before a new constituency association is registered in accordance with subsection (3), but no later than the 1st day of September, 1986, and for depositing the amounts in a trust account maintained in a chartered bank, trust company or other institution in Ontario that is lawfully entitled to accept deposits and for turning over the amounts and records as to source to the chief financial officer of the constituency association or associations registered in succession thereto forthwith upon its or their registration in accordance with subsection (3), who shall be responsible for issuing receipts therefor; and
- (b) for paying outstanding debts and expenses incurred in relation to the administration of the constituency association from funds which he or she holds in trust and for paying over any balance or charging any liability to the chief financial officer of the constituency association or associations registered in succession thereto forthwith upon its or their regis-

tration in accordance with subsection (3) in such proportions as the registered political party endorsing such association or associations determines.

Registration of constituency associations *pro tem* for general election or by-election 1986, c. 30

(5) In the event the Legislature is dissolved before the 1st day of September, 1986, or in the event a by-election is called before the day the *Representation Act, 1986* comes into force, and if all registered constituency associations have been deregistered under subsection (2), a registered party may authorize the registration with the Commission of constituency associations or of a particular constituency association *pro tem* for the purposes of the general election following the dissolution of the Legislature or for the purposes of the by-election and any such constituency associations or association have or has all the powers and responsibilities of a registered constituency association under this Act.

Deregistration of parties and constituency associations, on application

13.—(1) The Commission may deregister,

- (a) a registered party on an application therefor by the registered party; or
- (b) a registered constituency association on an application therefor by the constituency association and the registered party concerned.

For non-compliance with certain provisions of Act

(2) The Commission may deregister,

- (a) a registered party where no registered constituency association of that party nominates a candidate at a general election or where the registered party fails to comply with subsection 10 (6), 34 (3) or 45 (3) or where the chief financial officer of the political party fails to comply with section 42 or 43; or
- (b) a registered constituency association where the constituency association fails to comply with subsection 11 (4), 34 (3) or 45 (3) or where the chief financial officer of the constituency association fails to comply with section 42 or 43.

Notice of proposal to deregister party or association

(3) Where under subsection (2) the Commission proposes to deregister,

- (a) a political party, it shall send by registered mail notice of its proposal with written reasons therefor to the political party; or
- (b) a constituency association, it shall send by registered mail notice of its proposal with written rea-

sons therefor to the constituency association and the political party concerned,

and the political party or constituency association so notified, within thirty days after the sending of the notice, may request the Commission in writing to review its proposal.

(4) Where the Commission receives a written request to review its proposal, it shall review the proposal and give the political party and constituency association notified under subsection (3) an opportunity to make representation to the Commission and following a review of the proposal the Commission may withdraw its proposal or deregister the political party or constituency association, as the case may be, and shall, Review

- (a) where the proposed deregistration involves a political party, notify it in writing; and
- (b) where the proposed deregistration involves a constituency association, notify in writing the constituency association and the political party concerned,

of its decision.

(5) Where a political party is deregistered, the registered constituency associations of such political party are thereby also deregistered. Party and associations thereof deregistered

(6) Where a political party or constituency association is deregistered for failure to comply with section 42 or 43 or subsection 45 (3), it may not apply for registration until the financial statements as required by section 42 or 43 or subsection 45 (3), together with the auditor's report thereon as required by subsection 41 (4), that were not filed have been filed with the Commission. Reregistration

(7) Where a political party or constituency association is deregistered, all funds of the political party or constituency association not required to pay any outstanding debts thereof shall be paid over to the Commission and held by the Commission in trust for the political party or constituency association and, if the political party or constituency association does not become registered under this Act within a period of two years following its deregistration, the funds shall escheat to the Commission to be used by the Commission in carrying out its responsibilities under this Act. Disposition of funds upon deregistration

(8) Where a registered party or a registered constituency association applies to the Commission for deregistration under Duty of chief financial officer

subsection (1), the chief financial officer of the registered party or constituency association shall, at the same time, file with the Commission financial statements of assets and liabilities and of income and expenses of the political party or constituency association, as the case may be, for which he or she acted for the period commencing with the day immediately following the most recent period for which a financial statement has been filed with the Commission under section 42 or this section and ending on the last day upon which any financial activity of the political party or the constituency association, as the case may be, has occurred, together with the auditor's report thereon as required by subsection 41 (4).

Registration
of candidate

14.—(1) Every candidate shall, prior to the polling day, file with the Commission an application for registration under this Act.

Idem

(2) No person and no person, corporation or trade union acting on behalf of such person and, except as provided under subsections 10 (1) and 11 (1), no political party or association or organization thereof acting on behalf of such person, shall accept contributions for the candidacy of such person at an election or for an election campaign of such person unless such person is a candidate registered under this Act.

Application
for
registration

(3) The Commission shall maintain a register of candidates in relation to each election and, subject to this section, shall register therein any candidate that files an application for registration with the Commission setting out,

(a) that the candidate,

1984, c. 54

(i) has been duly nominated in accordance with the *Election Act, 1984* by filing nomination papers with the returning officer in an electoral district following the issue of a writ of election, together with the name of the electoral district,

(ii) has not been so nominated in accordance with the *Election Act, 1984* but has been nominated by a constituency association registered under this Act and has enclosed with the application a statement to that effect by the chief financial officer of the constituency association, together with the name of the constituency association and the electoral district, or

(iii) has not been so nominated in accordance with the *Election Act, 1984* but, after the issue of a

writ for an election in an electoral district, has declared as an independent candidate at the election in that electoral district, together with the name of the electoral district;

- (b) the full name and address of the candidate;
- (c) the political party affiliation, if any, of the candidate;
- (d) the address of the place or places in Ontario where records of the candidate are maintained and of the place in Ontario to which communications may be addressed;
- (e) the name of the auditor and chief financial officer of the candidate;
- (f) the names of all persons authorized by the candidate to accept contributions;
- (g) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by or on behalf of the candidate as the depositories for all contributions made to that candidate; and
- (h) the names of the persons responsible for each depository referred to in clause (g).

(4) A candidate who files an application under subsection (3),

Effective
date of
registration

- (a) prior to the issue of a writ for an election shall be deemed to be registered effective from the issue of the writ; and
- (b) after the issue of a writ for an election shall be deemed to be registered on the day of filing.

(5) An application under subsection (3) may be filed with the Commission by registered mail in which case it shall be deemed to be filed on the day it is mailed.

Mailing of
application
deemed filing

(6) Where a registered candidate withdraws his or her candidacy prior to polling day or fails to file nomination papers with the returning officer under the *Election Act, 1984* or dies prior to polling day, the campaign period with respect to that candidate is deemed to expire on the day of the withdrawal of the candidacy, on nomination day or on the day of his or her

Where
candidate
withdraws,
etc.
1984, c. 54

death, whichever first occurs, and the chief financial officer for that candidate shall file with the Commission the statement referred to in section 43 within sixty days after the expiration of the campaign period with respect to that candidate.

Registration
of leadership
contestant

15.—(1) No person and no person, corporation or trade union acting on behalf of that person and no political party or association or organization thereof acting on behalf of that person shall accept contributions for the candidacy of that person for the leadership of a registered party or for a leadership campaign of that person unless that person is a leadership contestant registered under this Act.

Notice of
leadership
convention

(2) A registered political party that proposes to hold a leadership convention shall file with the Commission a statement setting forth the date of the official call of the leadership convention and the date fixed for the leadership vote.

Application
for
registration

(3) The Commission shall maintain a register of leadership contestants in relation to each leadership convention and, subject to this section, shall register therein any leadership contestant that files an application for registration with the Commission setting out,

- (a) the full name of the leadership contestant;
- (b) the address of the place or places in Ontario where records of the leadership contestant are maintained and of the place in Ontario to which communications may be addressed;
- (c) the names of the principal officers, including the chief financial officer and auditor, of the leadership contestant;
- (d) the names of all persons authorized by the leadership contestant to accept contributions;
- (e) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by or on behalf of the leadership contestant as the depositories for all contributions made to that leadership contestant;
- (f) the names of the persons responsible for each depository referred to in clause (e); and
- (g) the certification of the registered party that the leadership contestant has met the constitutional

requirements of that party for eligibility to contest the leadership of that party.

(4) An application under subsection (3) shall not be filed with the Commission prior to the date of the official call of the leadership convention and unless the registered party that proposes to hold such leadership convention has filed with the Commission the statement referred to in subsection (2).

Time for
filing
application

(5) A leadership contestant who files an application under subsection (3) shall be deemed to be registered on the day of filing.

Deemed
registered
on day of
filing

16.—(1) All documents filed with the Commission are public records and may be inspected by any person upon request at the offices of the Commission during normal office hours.

Inspection
of informa-
tion on
file with
Commission

(2) Any person may take extracts from the documents referred to in subsection (1) and is entitled to copies thereof upon payment for the preparation of the copies at such rate as the Commission may determine.

Extracts

(3) No person, corporation or trade union shall use any of the information contained in any document filed with the Commission for purposes of commercial solicitation.

Not to be
used for
commercial
solicitation

CONTRIBUTIONS

17.—(1) Contributions to political parties, constituency associations, candidates and leadership contestants registered under this Act may be made only by persons individually, corporations and trade unions.

Contributors
and how
contributions
to be made

(2) Moneys contributed to political parties, constituency associations, candidates or leadership contestants registered under this Act in amounts in excess of \$25 shall be made only by,

How contri-
butions of
money to
be made

- (a) a cheque having the name of the contributor legibly printed thereon and drawn on an account in the contributor's name;
- (b) a money order signed by the contributor; or
- (c) in the case of moneys contributed by an individual, the use of a credit card having the name of the individual contributor imprinted or embossed thereon.

Depositing of
contributions

(3) All moneys accepted by or on behalf of a political party, constituency association, candidate or leadership contestant registered under this Act shall be paid into the appropriate depository on record with the Commission.

Return of
contributions
made in
contravention
of Act

18.—(1) Where the chief financial officer learns that any contribution received by or on behalf of the political party, constituency association, candidate or leadership contestant for whom he or she acts was made or received in contravention of any provision of this Act, the chief financial officer shall, within thirty days after learning that the contribution was made contrary to this Act and upon obtaining the contributor's copy of the receipt issued under section 26 in respect of that contribution, return the contribution or an amount equal to the sum contributed.

Anonymous,
etc., contri-
butions

(2) Any contribution not returned to the contributor in accordance with subsection (1) or any anonymous contribution received by a political party, constituency association, candidate or leadership contestant registered under this Act shall not be used or expended, but shall be paid over to the Commission and become part of the funds of the Commission to be used by the Commission in carrying out its responsibilities under this Act.

Limitation on
contributions

19.—(1) Contributions by any person, corporation or trade union to political parties, constituency associations and candidates registered under this Act are limited to those set out in clauses (a) and (b) and shall not exceed,

(a) in any year,

(i) \$4,000 to each registered party, and

(ii) \$750 to any registered constituency association, but in respect of registered constituency associations of a registered party, an aggregate of \$3,000 to constituency associations of each registered party; and

(b) in any campaign period in addition to contributions authorized under clause (a),

(i) \$4,000 in relation to the election in such period to each registered party, and

(ii) \$750 in relation to the election in such period to any registered candidate, but in respect of candidates endorsed by a registered party, an

aggregate of \$3,000 to registered candidates of each registered party.

(2) Where writs for two or more by-elections bear the same date and provide for the same polling day, all such by-elections shall be deemed one election for the purposes of clause (1) (b).

By-elections

(3) Any moneys used for a political campaign by a registered candidate out of the candidate's own funds shall be considered to be a contribution for the purposes of this Act and every registered candidate shall submit to the candidate's chief financial officer a statement in writing setting forth all campaign expenses paid or to be paid out of the candidate's own funds, together with all receipts and claims therefor, within three months after polling day.

Candidate's funds considered contribution

20.—(1) Subject to section 32, no person, corporation or trade union shall contribute to any political party, constituency association, candidate or leadership contestant registered under this Act funds not actually belonging to the person, corporation or trade union or any funds that have been given or furnished by any person or group of persons or by a corporation or trade union for the purpose of making a contribution thereof.

Contributor to contribute only funds belonging to contributor

(2) No political party, constituency association, candidate or leadership contestant registered under this Act, and no person on its, his or her behalf shall solicit or knowingly accept any contribution contrary to subsection (1).

Prohibition to accept contributions contrary to subs. (1)

21. No political party, constituency association, candidate or leadership contestant registered under this Act shall accept funds from a federal political party registered under the *Election Expenses Act* (Canada) except that during a campaign period a registered party may accept from such a federal political party an amount not exceeding, in the aggregate, \$100 for each registered candidate endorsed by that registered party and such funds shall be considered not to be contributions for the purposes of this Act but shall be recorded as to source and deposited in the appropriate depository on record with the Commission.

Funds from federal parties

1973-74, c. 51 (Can.)

22.—(1) The value of goods and services, other than those that are not contributions by reason of the definition of "contribution" in subsection 1 (1), provided to a political party, constituency association, candidate or leadership contestant registered under this Act shall be,

Value of goods and services

- (a) where the contributor is in the business of supplying such goods or services, the lowest amount charged by the contributor for an equivalent amount of similar goods and services at or about the time and in the market area in which the goods or services are provided; and
- (b) where the contributor is not in the business of supplying such goods or services, the lowest amount charged, at or about the time the goods or services are provided, by any other person or corporation providing similar goods on a commercial retail basis or similar services on a commercial basis in the market area in which the goods or services are provided.

Amounts of \$100 or less may be considered not a contribution

(2) The provision of goods or services to a political party, constituency association, candidate or leadership contestant registered under this Act in any year, excluding any campaign period or part thereof in that year, or in any campaign period, having a value, in the aggregate, of \$100 or less may, at the option of the person, corporation or trade union providing such goods or services, be considered not to be a contribution for the purposes of this Act.

Where goods or services provided for price less than value determined under subs. (1)

(3) Where goods or services are provided to a political party, constituency association, candidate or leadership contestant registered under this Act for a price that is less than the value of the goods or services as determined under subsection (1), the amount that the price is less than such value shall, subject to subsection (2), be a contribution for the purposes of this Act.

Advertising as contribution

23.—(1) Where any person, corporation or trade union with the knowledge and consent of a political party or candidate registered under this Act promotes the political party or the election of the candidate or opposes any other registered political party or the election of any other registered candidate by advertising on the facilities of any broadcasting undertaking or by publishing an advertisement in any newspaper, magazine or other periodical publications or printed leaflets, pamphlets or other documents or through the use of any outdoor advertising facility and the amount of the cost thereof,

- (a) in the case of any single such political advertisement is more than \$100; and
- (b) in the case of any such political advertisements from a single source broadcast or published in any year, excluding any campaign period or part thereof in

that year, or in any campaign period in the aggregate exceeds \$100,

such amount shall be considered to be a contribution and, if done during the relevant period, a campaign expense for the purposes of this Act to the political party or candidate with whose knowledge and consent the political advertising was done.

(2) Notwithstanding subsection (1), where political advertising is provided on the facilities of any broadcasting undertaking without charge to registered political parties or to registered candidates in a particular electoral district in accordance with the provisions of the *Broadcasting Act* (Canada), the regulations thereunder and Guides published in accordance therewith, such political broadcasts shall not be considered to be a contribution or an election expense for the purposes of this Act to such political parties or candidates.

Where not considered to be a contribution

R.S.C. 1970, c. B-11

(3) No person, corporation, trade union or registered political party or constituency association shall cause any political advertisement to be broadcast on the facilities of any broadcasting undertaking or published in any newspaper, magazine or other periodical publication or through the use of any outdoor advertising facility unless he, she or it furnishes to the broadcaster or publisher of the political advertisement his, hers or its identification in writing, together with the identification, in writing, of any person, corporation or trade union or registered political party or constituency association sponsoring the political advertisement.

Identification

(4) Any broadcaster who broadcasts or any publisher who publishes a political advertisement shall maintain records for a period of two years after the date of the broadcast or publication setting forth such advertisement, the charge therefor and any material relating to identification furnished to the broadcaster or publisher in connection therewith and shall permit the public to inspect such records during normal office hours.

Records

(5) All political printed advertising, handbills, placards, posters and broadcast or telecast advertisements shall bear or make reference to the name of the person, corporation or trade union authorizing the political advertising.

Reference to person, etc., authorizing advertising

(6) For the purposes of this section, “political advertisement” and “political advertising” means any matter promoting or opposing any registered political party or the election of any registered candidate for which a fee is paid, but does not include any *bona fide* news reporting.

Definition

Fund-
raising
events

24.—(1) In this section, “fund-raising function” includes events or activities held for the purpose of raising funds for the political party, constituency association, candidate or leadership contestant registered under this Act by whom or on whose behalf the function is held.

Income
to be
reported

(2) The gross income from any fund-raising function shall be recorded and reported to the Commission by the chief financial officer of the political party, constituency association, candidate or leadership contestant registered under this Act that held or on whose behalf the function was held.

Where
charge
may be
considered
not a
contribution

(3) Where a charge by the sale of tickets or otherwise is made for a fund-raising function, all or any portion of such charge, up to a maximum of \$25, may, at the option of the registered party, constituency association, candidate or leadership contestant by whom or on whose behalf the function was held, be considered not to be a contribution for the purposes of this Act.

Where
amounts
to be
considered
contribution

(4) Any amount paid for goods or services offered for sale at a fund-raising function in excess of the highest amount charged, at or about the time the goods or services are provided, by any other person providing similar goods on a commercial retail basis or similar services on a commercial basis in the market area in which the goods or services are provided, shall be considered to be a contribution for the purposes of this Act.

Collection
of moneys at
meetings

25. Where at a meeting held on behalf of or in relation to the affairs of a candidate, political party or constituency association registered under this Act money is given in response to a general collection of money solicited from the persons in attendance at the meeting, no amount shall be given anonymously by any person in excess of \$10 and the amounts so given shall be considered not to be contributions for the purposes of this Act but the gross amount collected shall be recorded and reported to the Commission by the chief financial officer of the candidate, political party or association, as the case may be.

Receipts

26. Every political party, constituency association, candidate or leadership contestant registered under this Act shall issue or cause to be issued receipts as required by the Commission for every contribution accepted.

Group
contributions

27.—(1) Any contribution to a political party, constituency association, candidate or leadership contestant registered under this Act made through any unincorporated association or organization, except a trade union or an affiliated political

organization in accordance with subsection (3), shall be recorded by the unincorporated association or organization as to the individual sources and amounts making up such contribution.

(2) The amounts making up a contribution under subsection (1) that are attributable to any person, corporation or trade union are contributions of such person, corporation or trade union for the purposes of this Act.

Application of Act to amounts making up contribution

(3) An affiliated political organization may make a contribution in any year to the political party or any constituency association with which it is affiliated as if it were a person for the purposes of clause 19 (1) (a).

Contribution by affiliated political organization

(4) For the purposes of this section, "affiliated political organization" means any political organization that is affiliated with and endorsed by a political party or one or more constituency associations registered under this Act.

Definition

28. A registered party and any of its constituency associations or official candidates registered under this Act may transfer or accept funds, goods and services to or from each other and all such funds, goods, other than goods held in inventory for any candidate for use during a campaign period, and services accepted by such political party, constituency association or candidate shall be considered not to be contributions or campaign expenses for the purposes of this Act but shall be recorded as to source and any funds accepted shall be deposited in the appropriate depository on record with the Commission.

Transfer of funds, etc., among parties, constituency associations and candidates

29. No political party, constituency association or candidate registered under this Act and no person on its or his or her behalf shall knowingly accept any contributions in excess of the limits imposed by this Act.

Parties, etc., not to receive contributions in excess of limitations

30.—(1) No political party, constituency association, candidate or leadership contestant registered under this Act shall directly or indirectly,

Contributions prohibited from outside Ontario and to persons, etc., outside Ontario

- (a) knowingly accept contributions from any person normally resident outside Ontario, from any corporation that does not carry on business in Ontario or from a trade union other than a trade union as defined in this Act; or
- (b) contribute or transfer funds to any political party, constituency association, candidate or leadership contestant not registered under this Act, including a

1973-74,
c. 14 (Can.)

R.S.O. 1980,
c. 308

1973-74,
c. 51 (Can.)

federal political party registered under the *Canada Elections Act*, any federal constituency association or candidate at a federal election endorsed by such federal political party and any candidate at a municipal election under the *Municipal Elections Act*, except that "during an election" as defined in the *Canada Elections Act* a registered party may transfer to a federal political party registered under the *Election Expenses Act* (Canada) an amount not exceeding, in the aggregate, \$100 for each candidate at a federal election in a federal electoral district in Ontario who is endorsed as a candidate by that federal political party.

No transfer of funds from constituency association to leadership contestant

Annual membership fees

(2) No constituency association registered under this Act shall directly or indirectly contribute or transfer funds to any leadership contestant registered under this Act.

31. An annual membership fee paid for membership in a political party or in a constituency association of such party or in both may be considered not to be a contribution for the purposes of this Act provided such fee or, where a fee is paid to the party and to a constituency association of that party, the total of such fees does not exceed \$25 and the political party and constituency association maintain a membership list indicating the amount of such fee or fees paid by each member that is allocated to the political party or constituency association, as the case may be.

Trade unions check-off

32. Contributions of not more than 15 cents per month by any member of a bargaining unit represented by a trade union through payroll deductions shall not be considered contributions from a person for the purposes of this Act, but any amounts contributed to a political party, constituency association or candidate registered under this Act from such funds shall be deemed to be a contribution from the trade union.

Who may accept contributions for candidate or leadership contestant

33. No contribution shall be accepted by a registered candidate or registered leadership contestant otherwise than through his or her chief financial officer or other person on record with the Commission as authorized to accept contributions.

Chief financial officer, of party or association

34.—(1) Every political party and constituency association that is applying for registration under this Act, before filing its application with the Commission, shall appoint a chief financial officer.

(2) Every candidate and every leadership contestant who is applying for registration under this Act, before filing his or her application with the Commission, shall appoint a chief financial officer.

of candidate
or leadership
contestant

(3) Where the chief financial officer of a political party, constituency association, candidate or leadership contestant, ceases for any reason to hold office as such, the political party, constituency association, candidate or leadership contestant, as the case may be, shall forthwith appoint another chief financial officer and shall immediately give notice in writing to the Commission of the name of the new chief financial officer.

Appointment
of new chief
financial
officer

(4) The chief financial officer of a political party, constituency association, candidate and leadership contestant registered under this Act in relation to the affairs of the party, constituency association, candidate or leadership contestant who appointed him or her shall be responsible for ensuring that,

Responsi-
bilities

- (a) proper records are kept of all receipts and expenditures;
- (b) contributions are placed in the appropriate depository;
- (c) proper receipts are completed and dealt with in accordance with this Act;
- (d) the financial statements as required by sections 42, 43 and 45 together with the auditor's report thereon are filed with the Commission in accordance with this Act; and
- (e) contributions consisting of goods or services are valued and recorded in accordance with this Act.

35.—(1) Where any person acting on behalf of,

Recording of
contributions

- (a) a political party or a constituency association registered under this Act, accepts in any year, excluding any campaign period or part thereof in that year, or in any campaign period;
- (b) a candidate registered under this Act, accepts in any campaign period; or
- (c) a leadership contestant registered under this Act, accepts in any leadership contest period,

a single contribution in excess of \$25 or contributions from a single source that in the aggregate exceed \$25, the chief financial officer of such political party, constituency association, candidate or leadership contestant, as the case may be, shall record all such contributions and, in the case of a single contribution in excess of \$100 or contributions from a single source that in the aggregate exceed \$100, the name and address of the contributor.

Separate
recording of
contributions

(2) All contributions referred to in subsection (1) accepted on behalf of a political party or a constituency association registered under this Act in any year, excluding any campaign period or part thereof in that year, shall be recorded separately from all contributions accepted on behalf of that political party or constituency association in any campaign period.

BORROWING

Borrowing
by parties,
etc.

36.—(1) A political party, constituency association, candidate or leadership contestant registered under this Act may borrow from any chartered bank or other recognized lending institution in Ontario, provided that all such loans and the terms thereof, including the name of any guarantor thereof, are recorded by the political party, constituency association, candidate or leadership contestant and reported to the Commission.

Limitation

(2) No political party, constituency association, candidate or leadership contestant registered under this Act shall receive any support in the form of a loan from any person, corporation, trade union, or unincorporated association or organization, other than from a registered party, a registered constituency association, or a chartered bank or other recognized lending institution as provided in subsection (1).

LOANS

Guarantee
of loans
to parties,
etc.,
prohibited

37.—(1) Subject to subsection (2), no person, corporation, trade union, unincorporated association or organization shall make, or sign, co-sign or provide collateral security for any loan, monetary obligation or indebtedness for or on behalf of any political party, constituency association, candidate or leadership contestant registered under this Act.

Exception

(2) Any person, corporation or trade union who is eligible to make a contribution under this Act may guarantee any loan referred to in subsection 36 (1).

When
guarantee
considered
contribution

(3) Any guarantee or any payment made by a guarantor in respect of a loan referred to in subsection 36 (1) shall not be

considered to be a contribution for the purposes of this Act, provided that, where the guarantor forgives or waives all or any part of the borrower's indebtedness that has been guaranteed, the amount so forgiven or waived shall be considered to be a contribution for the purposes of this Act and may be forgiven or waived only to the extent permitted under section 19.

CAMPAIGN ADVERTISING

38.—(1) No political party, constituency association or candidate registered under this Act and no person, corporation or trade union acting with its, his or her knowledge and consent shall, after the issue of a writ for an election and before the day immediately following polling day, except during the period of twenty-one days immediately preceding the day before polling day,

Period of
campaign
advertising
limited

- (a) advertise on the facilities of any broadcasting undertaking; or
- (b) procure for publication, cause to be published or consent to the publication of, except during such period, an advertisement in a newspaper, magazine or other periodical publication or through the use of outdoor advertising facilities,

for the purpose of promoting or opposing any registered party or the election of a registered candidate.

(2) Subsection (1) does not apply to,

Exceptions

- (a) advertising of public meetings in constituencies;
- (b) announcing candidate or constituency headquarters' locations;
- (c) advertising for volunteer campaign workers;
- (d) announcing services for electors by candidates or constituency associations respecting enumeration and revision of lists of electors;
- (e) announcing services for electors on polling day; or
- (f) any other matter respecting administrative functions of constituency associations,

providing that advertisements, announcements and other matters are done in accordance with the guidelines of the Commission.

Extension of
period of
campaign
advertising

(3) Nothing contained in subsection (1) prohibits the procuring for publication, causing to be published or consenting to the publication of,

- (a) an advertisement referred to therein on the day immediately preceding polling day in a newspaper which is published in Ontario not more frequently than once a week and whose day of regular publication falls on the day immediately preceding polling day;
- (b) an advertisement referred to therein on the day immediately preceding polling day and on polling day through the use of any commercial billboard advertising facility; or
- (c) *bona fide* news reporting during the period referred to therein,

or prohibits the broadcasting on the facilities of a broadcasting undertaking of *bona fide* news reporting in accordance with the provisions of the *Broadcasting Act* (Canada), the regulations thereunder and Guides published in accordance therewith during the period referred to therein.

R.S.C. 1970,
c. B-11

Rates to be
charged to
parties,
constituency
associations
and
candidates
for
broadcast-
ing time and
advertising
space

(4) No person or corporation shall,

- (a) charge a registered party, constituency association or candidate, or any person acting with its, his or her knowledge and consent, a rate for broadcasting time on any broadcasting undertaking in the period beginning on the twenty-first day before the day immediately before polling day at an election and ending on the second day before polling day, that exceeds the lowest rate charged by the person or corporation for an equal amount of equivalent time on the same facilities made available to any other person in that period; or
- (b) charge a registered party, constituency association or candidate, or any person acting with its, his or her knowledge and consent, a rate for an advertisement in a periodical publication published or distributed and made public in the period referred to in clause (a) that exceeds the lowest rate charged by the person or corporation for an equal amount of equivalent advertising space in the same issue of the periodical or in any other issue thereof published or distributed and made public in that period.

CAMPAIGN EXPENSES

39.—(1) The total campaign expenses incurred by a registered party and any person, corporation, trade union, unincorporated association or organization acting on behalf of that party during any campaign period shall not exceed the aggregate amount determined by multiplying 40 cents by, Limitation on campaign expenses, of political party

(a) in relation to a general election, the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984*, in the electoral districts in which there is an official candidate of that party; and 1984, c. 54

(b) in relation to a by-election in an electoral district, the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984*, in that electoral district.

(2) The total campaign expenses incurred by a registered candidate, the constituency association endorsing that candidate and any person, corporation, trade union, unincorporated association or organization acting on behalf of that candidate or constituency association during any campaign period shall not exceed the amount that is the aggregate of \$2 for each of the first 15,000 of the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984*, in the candidate's electoral district and \$1 for each of the number of such electors in excess of 15,000 but not exceeding 25,000, and \$0.25 for each of the number of such electors in excess of 25,000. of candidate and constituency association

(3) In relation to candidates in the electoral districts of Cochrane North, Rainy River, Kenora, Lake Nipigon, Algoma and Nickel Belt, as set out in the Schedule to the *Representation Act, 1986*, the amount determined under subsection (2) shall be increased by \$5,000. Increase for certain candidates
1986, c. 30

(4) Where the total campaign expenses incurred by a registered party and any person, corporation, trade union, unincorporated association or organization acting on behalf of that party exceed the amount determined under subsection (1) or where the total campaign expenses incurred by a registered candidate, the constituency association endorsing that candidate and any person, corporation, trade union, unincorporated association or organization acting on behalf of that candidate exceed the amount determined under subsection (2), the amount of the subsidy, if any, payable to the political party's chief financial officer under subsection 46 (6) or to the candidate's chief financial officer under subsection 46 (1), as Reduction of subsidy

the case may be, shall be reduced by an amount equal to such excess.

Approval
of chief
financial
officer

(5) No constituency association shall incur campaign expenses in an aggregate amount in excess of the amount that has been previously approved in writing by the chief financial officer of the candidate endorsed by that constituency association.

Time for
submission
of payment
claims

(6) Every person, corporation or trade union who has any claim for payment in relation to a campaign expense shall submit such claim within three months after polling day to the chief financial officer of the registered party, constituency association or candidate that incurred the campaign expense.

Payment of
expenses by
chief
financial
officer

(7) Every payment of a campaign expense shall be made by the chief financial officer of the registered party, constituency association or candidate that incurred the campaign expense and, except where the campaign expense is less than \$25, such campaign expense shall be vouched for by a statement setting forth the particulars and proof of payment.

Disputed
claims

(8) Where the chief financial officer of a registered party, constituency association or candidate disputes or refuses to pay any claim for payment in relation to a campaign expense, such claim shall be considered to be a disputed claim and the claimant may bring an action for payment in any court of competent jurisdiction.

FOUNDATION

Establish-
ment of
foundation

40.—(1) A political party shall, prior to filing an application for registration under this Act, establish a non-profit corporation as a foundation for the purposes of receiving and managing the assets, except the premises, equipment, supplies and other such property required for the administration of the affairs of the party, held by the political party immediately prior to filing such application and,

1980-81,
c. 40 (Can.)

R.S.O. 1980,
cc. 249, 512

(a) all the assets of the foundation shall consist of deposits with The Province of Ontario Savings Office, a bank to which the *Bank Act* (Canada) applies or a trust company registered under the *Loan and Trust Corporations Act* or shall be invested in investments authorized for trust moneys by the *Trustee Act*;

(b) no funds or other property shall be received by or transferred to the foundation after the filing of an application for registration of that political party other than interest on the amounts on deposit or the

income from investments referred to in clause (a); and

- (c) the foundation shall file with the Commission, on or before the 31st day of May in each year, a report of the expenditures of the foundation during the previous year.

(2) Funds transferred by the foundation to a political party, constituency association or candidate are not contributions for the purposes of this Act but shall be recorded as to amount and source by the recipient of the funds. Foundation funds not contributions

(3) Subsection (1) does not apply, and shall be deemed never to have applied, to a political party whose assets, at the time of application for registration under this Act, consist only of the premises, equipment, supplies and other such property required for the administration of the affairs of the political party. Application

AUDITORS

41.—(1) Every candidate and leadership contestant at the time of appointment of his or her chief financial officer, and every registered party and registered constituency association, within thirty days after becoming registered under this Act, shall appoint an auditor licensed under the *Public Accountancy Act* or a firm whose partners resident in Ontario are licensed under that Act and shall forthwith advise the Commission of the name and address of such auditor or firm. Appointment of auditor
R.S.O. 1980, c. 405

(2) Where an auditor appointed under subsection (1) ceases for any reason, including resignation, to hold office as such, ceases to be qualified as provided in subsection (1) or becomes ineligible as provided in subsection (3), the candidate, leadership contestant, political party or constituency association, as the case may be, shall forthwith appoint another auditor licensed under the *Public Accountancy Act* or a firm whose partners resident in Ontario are licensed under that Act and shall forthwith advise the Commission of the name and address of such auditor or firm. Idem

(3) No returning officer, deputy returning officer or election clerk and no candidate, or leadership contestant, or chief financial officer of a candidate or leadership contestant, or chief financial officer of a registered party or constituency association shall act as the auditor for the candidate, leadership contestant, registered party or constituency association, but nothing in this subsection makes ineligible the partners or firm with which such a person is associated from acting as an Persons not eligible

auditor for a candidate or registered party or constituency association or leadership contestant.

Auditor's
report

(4) The auditor appointed under subsection (1) or (2) shall make a report to the chief financial officer of the candidate, leadership contestant, political party or constituency association that appointed the auditor in respect of the financial statements, as required by sections 42, 43 and 45 and shall make such examination of the financial statements and supporting documentation as is necessary to enable the auditor to report thereon in accordance with generally accepted auditing standards.

Where
statement
required

(5) An auditor, in the report under subsection (4), shall make such statements as the auditor considers necessary in any case where,

- (a) the auditor has not received from the chief financial officer all the information and explanation that he or she has required; or
- (b) proper accounting records have not been kept by the chief financial officer so far as appears from the auditor's examination.

Right of
access

(6) An auditor appointed under subsection (1) or (2) shall have access at all reasonable times to all records, documents, books, accounts and vouchers of the candidate, leadership contestant, political party or constituency association that appointed the auditor and is entitled to require from the chief financial officer such information and explanation as in the auditor's opinion may be necessary to enable the auditor to report as required by subsection (4).

Auditor's
subsidy

(7) The Commission shall subsidize the cost of auditors' services for constituency associations, candidates and leadership contestants by paying,

- (a) to the auditor of each constituency association in respect of an audit for the association under sections 42, 43 and 45, the lesser of \$400 and the amount of the auditor's account to the association;
- (b) to the auditor of a candidate in respect of an audit for the candidate under sections 43 and 45, the lesser of \$800 and the amount of the auditor's account to the candidate; and
- (c) to the auditor of a leadership contestant in respect of an audit for the leadership contestant under sec-

tions 43 and 45, the lesser of \$600 and the amount of the auditor's account to the leadership contestant.

FINANCIAL STATEMENTS

42. The chief financial officer of every political party and constituency association registered under this Act shall, on or before the 31st day of May in each year, file with the Commission a financial statement, Annual filing of financial statement and report

- (a) of assets and liabilities as at the end of the previous year;
- (b) of income and expenses for the previous year, excluding, in the case of a political party, the income and expenses relating to an election received or incurred in a campaign period and, in the case of a constituency association, all income and expenses received or incurred in a campaign period; and
- (c) setting out all the information required to be recorded under subsection 35 (1) for the previous year, excluding such information that relates to a campaign period,

of the political party or constituency association for which the chief financial officer acts, together with the auditor's report thereon as required by subsection 41 (4).

43.—(1) The chief financial officer of every political party, constituency association and candidate registered under this Act shall, within six months after polling day, file with the Commission a financial statement, Filing of financial statement relating to campaign period

- (a) in the case of a political party, of the income and expenses relating to the election received or incurred in the campaign period and in the case of a constituency association or candidate, of all income and expenses received or incurred in the campaign period;
- (b) of all campaign expenses, paid and outstanding, incurred in a campaign period and a statement of all disputed claims; and
- (c) setting out all the information required to be recorded under subsection 35 (1) that relates to the campaign period,

of the political party, constituency association or candidate for which the chief financial officer acts, together with the auditor's report thereon as required by subsection 41 (4).

By-elections

(2) In relation to a by-election, subsection (1) applies only to registered political parties and constituency associations that received contributions or made expenditures in relation to such by-election, and to registered candidates at such by-election.

Where
general
election
called

(3) Where writs for a general election are issued during a campaign period relating to a by-election, the campaign period relating to such by-election shall, for the purposes of subsection (1), be deemed to have terminated on the day before the day the writs for the general election were issued and the financial statements referred to in subsection (1) shall be filed with the Commission within three months after the deemed termination of the campaign period.

Filing of
financial
statement
relating to
leadership
contest

(4) The chief financial officer of every leadership contestant registered under this Act shall, within six months after the date of the leadership vote, file with the Commission a financial statement,

(a) of all income and expenses received or incurred in a leadership contest period; and

(b) setting out all the information required to be recorded under subsection 35 (1), of the leadership contestant for whom the chief financial officer acts, together with the auditor's report thereon as required by subsection 41 (4).

Surplus

(5) Where the leadership contestant's financial statement shows a surplus, such surplus shall be forthwith paid over to the registered party, the leadership of which the leadership contestant was contesting.

Failure of
candidate
or leadership
contestant
not elected
to file
statement
and report

44.—(1) Where the chief financial officer of a registered candidate or leadership contestant who is not declared elected fails to file a financial statement as required by section 43, together with the auditor's report thereon as required by subsection 41 (4), the candidate or leadership contestant, in addition to any other penalty, is ineligible to stand as a candidate at any election up to and including the next general election unless prior thereto he or she or the chief financial officer has filed such financial statement and the auditor's report thereon with the Commission.

Vacation
of seat

(2) Where,

- (a) in the case of a registered candidate who is elected as a member of the Assembly, the total campaign expenses incurred by the member during the campaign period relating to the election at which the candidate was elected exceeds the amount determined under subsection 39 (2); or
- (b) in the case of a registered candidate or registered leadership contestant who is elected or sitting as a member of the Assembly, the chief financial officer of the member fails to file a financial statement as required by section 43, together with the auditor's report thereon as required by subsection 41 (4),

the Commission shall notify the Speaker who shall inform the Assembly and, if the Assembly finds no mitigating reason for non-compliance, the member shall forthwith vacate his seat and, in addition, the member is liable to any other penalty that may be imposed under any Act.

(3) Where a member is required to vacate his or her seat, Speaker's
warrant

- (a) under clause (2) (a); or
- (b) under clause (2) (b), unless the member or his or her chief financial officer files a financial statement and the auditor's report thereon with the Commission within sixty days after the Speaker has informed the Assembly of the non-compliance under subsection (2),

the Speaker shall address a warrant under the hand and seal of the Speaker to the Chief Election Officer for the issue of a writ for the election of a member in the place of the member whose seat is vacated and the writ shall be issued accordingly.

45.—(1) Where the chief financial officer of a registered political party or constituency association ceases for any reason, other than death or incapacity, to hold office as such, the chief financial officer shall, within forty-five days following the day on which he or she ceased to hold office, file with the Commission financial statements of assets and liabilities and of income and expenses of the political party or constituency association, as the case may be, for which the chief financial officer acted for the period commencing with the day immediately following the most recent period for which a financial statement has been filed with the Commission under section 42 or this section and ending on the day on which he or she ceased to hold office, together with the auditor's report thereon as required by subsection 41 (4).

Where chief
financial
officer ceases
to hold office

Idem

(2) Where the chief financial officer of a registered candidate or leadership contestant ceases for any reason, other than death or incapacity, to hold office as such during a campaign period or leadership contest period, as the case may be, the chief financial officer shall, within forty-five days following the day on which he or she ceased to hold office, file with the Commission a financial statement of income and expenses of the candidate or leadership contestant for whom the chief financial officer acted for the period commencing with the later of the day of his or her appointment and the day the candidate or leadership contestant became registered with the Commission and ending on the day on which he or she ceased to hold office, together with the auditor's report thereon as required by subsection 41 (4).

Where
financial
statements
not filed

(3) Where, for any reason, the chief financial officer fails to file the financial statements required by subsection (1) or (2), or where the chief financial officer has died or become incapacitated, the political party, constituency association, candidate or leadership contestant, as the case may be, for which the chief financial officer acted shall, within sixty days following the day on which the chief financial officer ceased to hold office, file with the Commission the financial statements required by subsection (1) or (2), as the case may be, together with the auditor's report thereon as required by subsection 41 (4).

PUBLIC FUNDING OF CANDIDATE AND PARTY EXPENSES

Reimburse-
ment of
campaign
expenses

46.—(1) Every registered candidate in an electoral district who receives at least 15 per cent of the popular vote in such electoral district is entitled to be reimbursed by the Commission for the lesser of campaign expenses for the campaign period as shown on the statement of income and expenses filed with the Commission, in accordance with section 43, together with the auditor's report in accordance with subsection 41 (4), or an amount equal to 20 per cent of the maximum expenditure limit in accordance with subsection 39 (2).

Idem

(2) In relation to candidates in the electoral districts of Cochrane North, Rainy River, Kenora, Lake Nipigon, Algoma and Nickel Belt, as set out in the Schedule to the *Representation Act, 1986*, the amount determined under subsection (1) shall be increased by \$5,000.

1986, c. 30

No reim-
bursement
unless
financial
statement
and report
filed

(3) A candidate is not entitled to be reimbursed for expenses under subsection (1) unless the candidate or his or her chief financial officer has filed the financial statements of income and expenses as required by section 43, together with

the auditor's report thereon as required by subsection 41 (4), and the Commission is satisfied that such statements meet the requirements of this Act.

(4) Where the candidate's financial statement shows a deficit and the candidate is entitled to be reimbursed for expenses under subsection (1), the moneys payable to his or her chief financial officer shall be first applied to discharge the debts creating the deficit and should any deficit remain thereafter, in the case of a candidate endorsed as the official candidate of a registered party, the deficit shall be assumed by the registered constituency association endorsing that candidate.

Moneys to be applied to discharge debts of candidate

(5) Any surplus, determined by taking into account in the financial statement of a registered candidate the moneys, if any, paid to the candidate's chief financial officer under subsection (1), shall be forthwith paid over,

Surplus in candidate's account

- (a) in the case of a candidate endorsed as the official candidate of a registered party, to that registered party or to the registered constituency association endorsing the candidate; and
- (b) in the case of an independent candidate, to the Commission.

(6) Every registered party that receives at least 15 per cent of the popular vote in any electoral district and that has filed its statement of income and expenses with the Commission in accordance with section 43, together with the auditor's report in accordance with subsection 41 (4), is entitled to be reimbursed by the Commission for the aggregate amount determined by multiplying 5 cents by the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984* in each electoral district in which the political party received 15 per cent of the popular vote and such moneys shall be payable to the political party's chief financial officer.

Reimbursement of political party's expenses

1984, c. 54

(7) A political party is not entitled to be reimbursed for expenses under subsection (6) unless its chief financial officer has filed the financial statements required by section 43, together with the auditor's report thereon as required by subsection 41 (4), and the Commission is satisfied that such statements meet the requirements of this Act.

Filing of financial statements required

(8) In this section,

Definitions

"independent candidate" means a person referred to in clause (c) of the definition of "candidate" in subsection 1 (1);

“popular vote” means the total counted ballots cast in favour of all candidates in an electoral district and does not include any rejected, cancelled, declined or unused ballot.

FORMS

Forms

47. All applications, returns, statements, balance sheets and other documents required to be filed with the Commission shall be filed in the form prescribed therefor by the Commission.

OFFENCES

Offence by chief financial officer

48.—(1) The chief financial officer of a political party, constituency association, candidate or leadership contestant registered under this Act who contravenes section 42, 43 or 45 is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

Offence by party or constituency association

(2) Where any contravention of this Act that is an offence by virtue of subsection (1) is committed by a chief financial officer of a political party, constituency association, candidate or leadership contestant registered under this Act, the political party, constituency association, candidate or leadership contestant for which the chief financial officer acts is guilty of an offence and on conviction is liable,

- (a) in the case of a registered party, to a fine of not more than \$2,000; and
- (b) in the case of a registered constituency association, registered candidate or registered leadership contestant, to a fine of not more than \$1,000.

Offence by corporation or union

49. Every corporation or trade union that contravenes any of the provisions of this Act is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

General offence

50. Every person, political party or constituency association that contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

Offence for obstructing investigation

51. No person shall obstruct a person making an investigation or examination under this Act or withhold from him or her or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation or examination.

52. No person shall knowingly make a false statement in any application, return, financial statement or other document filed with the Commission under this Act.

Offence
for false
statement

53. No person shall knowingly give false information to a chief financial officer or other person authorized to accept contributions.

Offence
for false
information

54.—(1) A prosecution for an offence under this Act may be instituted against a political party, constituency association or trade union in the name of the political party, constituency association or trade union and for the purposes of any such prosecution, a political party, constituency association or trade union shall be deemed to be a person.

Style of
prosecution
of party,
constituency
association
or union

(2) Any act or thing done or omitted by an officer, official or agent of a political party, constituency association or trade union within the scope of his or her authority to act on behalf of the political party, constituency association or trade union shall be deemed to be an act or thing done or omitted by the political party, constituency association or trade union.

Vicarious
responsi-
bility

55. No prosecution shall be instituted under this Act without the consent of the Commission and no prosecution shall be instituted more than one year after the facts upon which the prosecution is based first came to the knowledge of the Commission.

Consent of
Commission
and
limitation

56.—(1) The *Election Finances Reform Act*, being chapter 134 of the Revised Statutes of Ontario, 1980, is repealed.

Repeal

(2) Notwithstanding subsection (1), the *Election Finances Reform Act* shall be deemed to continue in force in respect of those persons registered with the Commission under that Act as candidates at a by-election for which a writ was issued prior to the day this Act receives Royal Assent.

Exception
R.S.O. 1980,
c. 134

COMPLEMENTARY AMENDMENTS

57. Subsection 28 (1) of the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, is amended,

- (a) by striking out “at an election of a member or members to serve in the Assembly” in the ninth and tenth lines; and
- (b) by striking out “\$4,000” in subclause (a) (iii) and inserting in lieu thereof “\$7,000”.

58. Subsection 7 (6) of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Tax credit
for election
contributions

1986, c. 30

(6) In respect of the aggregate amounts (the aggregate of which amounts is hereafter in this subsection referred to as “the amount contributed”) that are contributions for the purposes of the *Election Finances Act, 1986*, and that are contributed in the taxation year by an individual to registered candidates, to registered constituency associations or to registered parties, every individual resident in Ontario on the last day of the taxation year may deduct from the amount by which his or her tax payable under this Act for that taxation year calculated without reference to this section exceeds the amount of the deduction to which he or she is entitled under subsection (2) for the taxation year,

- (a) 75 per cent of the amount contributed if the amount contributed does not exceed \$200;
- (b) \$150 plus 50 per cent of the amount by which the amount contributed exceeds \$200 and does not exceed \$800; or
- (c) the lesser of,
 - (i) \$450 plus 33 1/3 per cent of the amount by which the amount contributed exceeds \$800 if the amount contributed exceeds \$800, and
 - (ii) \$750,

provided that payment of each amount that is included in the amount contributed is proven by filing with the Minister receipts that are signed by a recorded agent of the registered candidate, registered constituency association or registered party, as the case may be, and that contain the information prescribed to be shown on such receipts.

59.—(1) Clauses 1 (1) (m) and (n) of the *Election Act, 1984*, being chapter 54, are repealed and the following substituted therefor:

- (m) “registered candidate” means a candidate registered with the Commission on Election Finances under the *Election Finances Act, 1986*;
- (n) “registered party” means a political party registered with the Commission on Election Finances under the *Election Finances Act, 1986*.

(2) Subsection 19 (3) of the said Act is amended by striking out “and” at the end of clause (d), by adding “and” at the end of clause (e) and by adding thereto the following clauses:

- (f) the determination, in consultation with the Chief Election Officer, of the total number of names on all the lists of electors for the electoral district; and
- (g) a certified statement of the total number of names on all the lists of electors as determined under clause (f) to be furnished as soon as possible to each candidate in the electoral district and to the Commission on Election Finances.

(3) Subsection 27 (9) of the said Act is amended by striking out “Commission on Election Contributions and Expenses under the *Election Finances Reform Act*” in the fourth, fifth and sixth lines and inserting in lieu thereof “Commission on Election Finances under the *Election Finances Act, 1986*”.

(4) The said Act is amended by adding thereto the following section:

63a. Immediately following polling day, the Chief Election Officer shall determine the number of electors that were entitled to vote in each electoral district and, as soon as possible thereafter, shall furnish a certified statement thereof to each candidate in the electoral district and to the Commission on Election Finances.

Statement by
C.E.O. of
number of
electors
entitled
to vote

60.—(1) This Act, except sections 57 and 58, comes into force on the day it receives Royal Assent.

Commence-
ment and
application

(2) Section 57 shall be deemed to have come into force on the 1st day of January, 1986, and applies to corporations in respect of amounts contributed on or after that date.

Idem

(3) Section 58 shall be deemed to have come into force on the 1st day of January, 1986, and applies to the 1986 and subsequent taxation years.

Idem

(4) Notwithstanding subsection (1) of this section, the definition of “trade union” in subsection 1 (1), subsection 1 (2), subsection 17 (2), clause 19 (1) (a), subsection 22 (2), subsections 24 (3) and (4), section 25, subsections 27 (1), (3) and (4), sections 31 and 32 and subsection 35 (1) apply in respect of the whole of the 1986 and each subsequent calendar year.

Application

(5) Notwithstanding subsection (1) of this section, the definition of “campaign period” in subsection 1 (1), clause

Idem

4 (1) (k), subsection 4 (3), clause 19 (1) (b), subsection 19 (3), subsections 38 (2) and (3), sections 39 and 43, subsections 44 (1), (2) and (3) and section 46 apply in respect of a general election or by-election, as the case may be, the writ for which was issued after the day this Act receives Royal Assent.

Idem

(6) Notwithstanding subsection (1) of this section, subsection 41 (7) applies in respect of audited statements the last day for the filing of which under this Act occurs after the day this Act receives Royal Assent.

Short title

61. The short title of this Act is the *Election Finances Act, 1986*.

20N

56

Bill 104

An Act to amend the Municipal Elections Act

Mr. Brandt



1st Reading April 22nd, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

This Bill requires the holding of a judicial recount under the following circumstances,

- (a) where the winning candidate receives 500 votes or more and has a margin of victory that is 1 per cent or less of the total votes cast for him or her; or
- (b) where the winning candidate receives less than 500 votes and has a margin of victory of five votes or fewer.

The Bill also provides that in such a recount, the municipality will be responsible for the costs of recount.

Bill 104**1986****An Act to amend the Municipal Elections Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 83 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 37, section 14, is further amended by renumbering subsection (2a) as subsection (2b) and by adding thereto the following subsection:

(2a) The council of a municipality shall declare that a ^{Idem} recount is desirable in the public interest if,

- (a) the candidate declared elected has received five hundred or more votes and the difference in the number of votes between that candidate and another candidate for the same position is less than or equal to 1 per cent of the total number of votes cast for the candidate declared elected; or
- (b) the candidate declared elected has received fewer than five hundred votes and the difference in the number of votes between that candidate and another candidate for the same position is five votes or less.

2. Section 86 of the said Act is amended by adding thereto the following subsection:

(2a) Where a recount or final addition is held at the ^{Exception} instance of a municipality under subsection 83 (2a), the judge shall make no provision as to its costs.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. The short title of this Act is the *Municipal Elections* ^{Short title} *Amendment Act, 1986.*

Bill 105

An Act to provide Pay Equity for Employees in Predominantly Female Groups of Jobs in the Public Service

The Hon. W. Wrye
Minister of Labour



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

The Bill provides for the redressing of systemic gender discrimination in compensation for work performed by employees in predominantly female groups of jobs in the public service of Ontario. Among the features of the Bill are the following:

1. The Act applies to the Crown in right of Ontario and the boards, agencies and commissions named in section 2, their respective employees and the bargaining agents of the employees.
2. Systemic gender discrimination will be identified through comparisons between a representative job level in each predominantly female group of jobs (as defined in section 1) and a job level in a predominantly male group of jobs (as defined in section 1) in terms of relative compensation and of the relative value of the work. (Section 3)
3. A criterion for determining value is set out. (Section 4)
4. A test for the achievement of pay equity is set out. (Section 5)
5. Pay equity plans must be established and implemented. (Section 6)
6. Every pay equity plan must provide for a gender-neutral job comparison or evaluation system and must provide for adjustments in rates of compensation in predominantly female groups of jobs, where necessary, to achieve pay equity. (Section 7)
7. An employer cannot reduce compensation to achieve pay equity. (Section 9)
8. Pay equity plans are binding on employers, employees and the bargaining agents of employees. (Section 10)
9. Pay equity plans must be acted upon as soon as they are filed with the Commission or as soon as they are established by it. (Subsection 11 (1))
10. Pay equity plans are to be developed in stages by each employer. Initially, for each employer, there will be a separate plan for each bargaining unit and a separate plan for those outside the bargaining units. (Parts III and IV). Then there will be a combined bargaining unit pay equity plan for each employer. (Part V). Finally, there will be a comprehensive pay equity plan for each employer that applies both inside and outside the bargaining units. (Part VI)
11. An employer will be required to make annual adjustments in rates of compensation representing at least 1 per cent of payroll for the preceding year until pay equity is achieved. However, during the initial phases of the first stage or if extensions of time are granted, the employer may be required to give increases in a year in excess of 1 per cent of payroll for the preceding year. (Subsections 11 (3) to (8))
12. Bargaining unit pay equity plans are to be negotiated between the employer and the appropriate bargaining agent or agents. If no agreement is reached, a single arbitrator will be appointed to decide the matters in issue. (Parts III and V)
13. The employer will be responsible for preparing non-bargaining unit and comprehensive pay equity plans. The employer will be required to consult the bargaining agents during the preparation of the comprehensive pay equity plan. (Parts IV and VI)

14. A commission known as the Pay Equity Commission is established. Among its powers, it may review and vary pay equity plans or establish plans where an employer has failed to do so. It will also be able to hear complaints. (Parts VII and VIII)

Bill 105

1986

**An Act to provide Pay Equity for Employees
in Predominantly Female Groups of Jobs
in the Public Service**

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Preamble

Whereas it is desirable that affirmative action be taken to provide for pay equity for employees employed in predominantly female groups of jobs in the public service of Ontario;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INTERPRETATION AND APPLICATION

Definitions

1.—(1) In this Act,

“arbitrator” means a single arbitrator appointed by the Minister under section 13;

“bargaining agent” means,

R.S.O. 1980,
c. 108

(a) an employee organization that has representation rights under the *Crown Employees Collective Bargaining Act*,

R.S.O. 1980,
c. 418

(b) the Association authorized under the *Public Service Act* as exclusive bargaining agent for members of the Ontario Provincial Police;

“collective agreement” means an agreement in writing between an employer and a bargaining agent covering terms and conditions of employment;

“Commission” means the Pay Equity Commission established by this Act;

“compensation” means all payments and benefits paid or provided to or for the benefit of a person who performs functions that entitle the person to be paid a fixed or ascertainable amount;

“effective date” means the day Part II comes into force;

“employee” means,

(a) a public servant as defined in the *Public Service Act*,

(b) a person employed by The Niagara Parks Commission, Liquor Control Board of Ontario, Liquor Licence Board, Ontario Housing Corporation, Toronto Area Transit Operating Authority or Workers’ Compensation Board;

“employer” means the employer of an employee to whom this Act applies;

“group of jobs” means a grouping or series of jobs that bear a relationship to each other because of the nature of the work required to perform them and that are organized in successive job levels, and, where there are no such job levels, means jobs that are grouped together for the purposes of compensation;

“job level” means,

- (a) a grade or rank of jobs within a group of jobs that has a rate or range of salary assigned to the grade or rank,
- (b) a group of jobs, if the group of jobs contains no grades or ranks;

“job rate” means the highest rate of compensation for a job level;

“Minister” means the Minister of Labour or such other member of the Executive Council to whom the administration of this Act may be assigned;

“predominantly female group of jobs” means,

- (a) a group of jobs that, on the effective date, has 60 per cent or more of the positions in the group occupied by women,
- (b) if Part III or V applies, a group of jobs that the employer and the bargaining agent or agents agree to designate as a predominantly female group of jobs,
- (c) if Part IV or VI applies, a group of jobs that the employer, with the Commission’s approval, designates as a predominantly female group of jobs,
- (d) a group of jobs that is designated by the regulations made under this Act as a predominantly female group of jobs;

“predominantly male group of jobs” means,

- (a) a group of jobs that, on the effective date, has 70 per cent or more of the positions in the group occupied by men,

- (b) if Part III or V applies, a group of jobs that the employer and the bargaining agent or agents agree to designate as a predominantly male group of jobs,
- (c) if Part IV or VI applies, a group of jobs that the employer, with the Commission's approval, designates as a predominantly male group of jobs,
- (d) a group of jobs that is designated by the regulations made under this Act as a predominantly male group of jobs;

"representative job level in a predominantly female group of jobs" means the job level in a predominantly female group of jobs that has the greatest number of employees.

L.C.B.O.
and
L.L.B.
deemed
one employer

(2) For the purposes of this Act, the Liquor Licence Board and the Liquor Control Board of Ontario shall be deemed to be one employer and their employees shall be deemed to be jointly employed by them.

Effect of
designation
of groups
of jobs

(3) Where a group of jobs is designated as a predominantly female group of jobs or as a predominantly male group of jobs, the designation, subject to any order or direction of the Commission, is binding upon the employer, the employees of the employer and the bargaining agent, if any, of the employees.

Determi-
nation
of
representative
job level

(4) Where two or more job levels in a female group of jobs have the same number of employees, the job level with the higher or highest job rate shall be deemed to have the greater or greatest number of employees.

Application

2. This Act applies to,

- (a) the Crown in right of Ontario and public servants as defined in the *Public Service Act*;
- (b) The Niagara Parks Commission, Liquor Control Board of Ontario, Liquor Licence Board, Ontario Housing Corporation, Toronto Area Transit Operating Authority and Workers' Compensation Board and their respective employees; and
- (c) bargaining agents representing employees to whom this Act applies.

R.S.O. 1980,
c. 418

PART II

PAY EQUITY: GENERAL

3.—(1) The purpose of pay equity is to redress systemic gender discrimination in compensation for work performed by employees employed in predominantly female groups of jobs in the public service of Ontario.

Purpose

(2) Systemic gender discrimination in compensation shall be identified by undertaking comparisons between the representative job level in a predominantly female group of jobs and a job level in a predominantly male group of jobs in terms of relative pay and in terms of the relative value of the work performed.

Identifi-
cation of
discrimi-
nation

4. The criterion to be applied in determining value of work for the purpose of this Act shall be a composite of the skill, effort and responsibility normally required in the performance of the work and the conditions under which it is normally performed.

Value
determination

5.—(1) For the purposes of this Act, pay equity is achieved when the job rate for the representative job level in a predominantly female group of jobs is at least equal to the job rate for a job level in any predominantly male group of jobs where the work performed in the two job levels is of equal or comparable value.

Achievement
of
pay equity

(2) Where more than one comparison is possible between the representative job level in a predominantly female group of jobs and job levels in predominantly male groups of jobs where the work performed in all job levels is of equal or comparable value, pay equity is achieved when the job rate for the representative job level in the predominantly female group is at least as great as the job rate for the job level in the predominantly male group with the lowest job rate.

Basis of
comparison

(3) A job level in a predominantly male group of jobs shall not be used for purposes of comparison if less than 70 per cent of the employees in the job level on the effective date are male.

Idem

(4) For the purposes of this Act, differences in rates of compensation between job levels in predominantly male groups of jobs of equal or comparable value shall be deemed not to reflect gender bias.

Different
rates in
predomi-
nantly
male groups

Pay equity
plans
required

6. Plans to provide for pay equity for predominantly female groups of jobs shall be established and implemented in accordance with this Act.

Contents of
plans

7. A pay equity plan,

- (a) shall provide for the development or selection of a gender-neutral job comparison or evaluation system;
- (b) shall identify all predominantly female groups of jobs and all predominantly male groups of jobs;
- (c) shall provide for the application of the system referred to in clause (a) to positions in the predominantly female groups of jobs and in the predominantly male groups of jobs; and
- (d) shall provide for the adjustment of the rates of compensation in the representative job level in a predominantly female group of jobs, where necessary, to achieve pay equity and shall provide that where such adjustments are required to be made, all job levels in the same predominantly female group of jobs as the representative job level shall receive the same percentage adjustment of their rates of compensation when the plan is fully implemented.

Exclusions
from plans

8.—(1) A position that the employer, acting in good faith, designates as,

- (a) a temporary training position;
- (b) a student position;
- (c) a rehabilitation position;
- (d) a casual position; or
- (e) a position for which there is a temporary labour shortage,

or a position that the Commission designates for the purposes of this section may be excluded in determining the gender predominance of any group of jobs and need not be included in a pay equity plan.

Idem

(2) A position shall not be designated for the purposes of this Act as a casual position if,

- (a) the work is performed for at least one-third of the normal work period that applies to similar full-time work;
- (b) the work is performed on a seasonal basis in the same position for the same employer; or
- (c) the work is performed on a regular and continuing basis, although for less than one-third of the normal work period that applies for similar full-time work.

9. An employer shall not reduce the compensation payable to any employee or reduce the rate of compensation for any position in order to achieve pay equity. Reduction of compensation prohibited

10.—(1) A pay equity plan and all amendments to it that the Commission directs or orders are binding upon the employer, the employees in the positions to which the pay equity plan applies and the bargaining agent, if any, of the employees. Employer, employees and bargaining agents bound by plan

(2) A pay equity plan prevails over the provisions of all relevant collective agreements and the adjustments to rates of compensation required by the plan, from the date the plan is filed by the employer with the Commission or established by it, shall be deemed to be incorporated into and form part of the relevant collective agreements, if any, and of ensuing collective agreements, if any, entered into during the implementation period and the relevant collective agreements shall be amended accordingly. Plan to prevail over collective agreements

(3) Subsection (2) applies with necessary modifications to amendments to a pay equity plan directed or ordered by the Commission. Idem

11.—(1) As soon as a pay equity plan has been filed with the Commission or established by it, the employer shall take all necessary steps, by way of job audits or otherwise, to prepare for implementation of the plan. Implementation of pay equity plans

(2) If, after the filing of a pay equity plan, the Commission directs or orders any amendments to it, the amendments shall be deemed to be incorporated into and form part of the plan. Changes in plans

(3) An employer shall begin making adjustments to rates of compensation under a pay equity plan as soon as possible after the plan is filed with the Commission or established by it and, First adjustments

- (a) if the plan is one to which Part III applies, the first adjustments,
 - (i) shall be made no later than the day eighteen months from the date of filing or establishment of the plan, and
 - (ii) shall be such that compensation payable during the twelve-month period following the first adjustments shall be increased by not less than 1 per cent of the employer's payroll for the bargaining unit to which the plan applies since the date on which bargaining with respect to the plan was required to commence under section 12 or not less than the amount required to achieve pay equity under the plan, whichever is less;
- (b) if the plan is one to which Part IV applies, the first adjustments,
 - (i) shall be made no later than the day eighteen months from the date of filing or establishment of the plan, and
 - (ii) shall be such that compensation payable during the twelve-month period following the first adjustments shall be increased by not less than 1 per cent of the employer's payroll for employees who are not in a bargaining unit since the date on which preparation of the plan was required to commence under section 14 or not less than the amount required to achieve pay equity under the plan, whichever is less;
- (c) if the plan is one to which Part V applies, the first adjustments shall be made no later than the later of,
 - (i) the day twelve months from the date of filing or establishment of the plan, and
 - (ii) the day after the last adjustment required to be made by the employer under all plans to which Part III applies; and
- (d) if the plan is one to which Part VI applies, the first adjustments shall be made no later than the later of,

- (i) the day twelve months from the date of filing or establishment of the plan, and
- (ii) the day after the last adjustment required to be made by the employer under the plan to which Part V applies, or, if no plan is required under Part V, the day after the last adjustment required to be made by the employer under all plans to which Parts III and IV apply.

(4) Where an employer under a pay equity plan to which Part III or IV applies makes adjustments in rates of compensation over a period of years, the employer, not later than each anniversary of the first adjustments to rates of compensation made under the relevant plan under subsection (3), shall make further adjustments in rates of compensation until pay equity is achieved under the plan such that in the twelve-month period following the anniversary the compensation payable under the plan shall be increased by at least,

Minimum
adjustments,
Parts III
and IV

- (a) 1 per cent of the employer's payroll for the relevant bargaining unit for the twelve-month period preceding the anniversary if Part III applies to the plan; and
- (b) 1 per cent of the employer's payroll for employees who are not in a bargaining unit for the twelve-month period preceding the anniversary if Part IV applies to the plan,

unless the remaining amount payable in relation to the relevant plan is less than 1 per cent of the relevant payroll, in which case the adjustments shall equal the amount required to achieve pay equity under that plan.

(5) Where pay equity has been achieved under a pay equity plan to which Part III or IV applies but has not been achieved under one or more other plans to which either of those Parts apply, adjustments in rates of compensation for the other plan or plans shall be increased such that the amounts payable by the employer under all plans shall be at least equal to the amount that would have been payable had pay equity not been achieved under any plan.

Idem

(6) Where an employer under a pay equity plan to which Part V or VI applies makes adjustments in rates of compensation over a period of years, the employer, not later than each anniversary of the first adjustments to rates of compensation made under the relevant plan under subsection (3), shall make

Minimum
adjustments,
Parts V
and VI

further adjustments in rates of compensation until pay equity is achieved under the plan such that in the twelve-month period following the anniversary the compensation payable under the plan shall be increased by at least 1 per cent of the employer's payroll for all its employees for the twelve-month period preceding the anniversary, unless the remaining amount payable in relation to the relevant plan is less than such 1 per cent, in which case the adjustments shall equal the amount required to achieve pay equity under the relevant plan.

Where time
extended

(7) Where the Commission extends the time limit for the filing of a pay equity plan or for the making of the first adjustments in rates of compensation under a pay equity plan, retro-active adjustments shall be made in rates of compensation under all pay equity plans of the employer to reflect the compensation that would have been payable had the extension not been granted.

Limitation

(8) Except as provided in subsections (3) and (7), nothing in this Part requires an employer to increase compensation payable under pay equity plans during a twelve-month period in an amount greater than 1 per cent of the employer's payroll for all its employees during the preceding twelve-month period.

Definition

(9) In this section, "payroll" means the total of all compensation payable to the employees of the employer described in the relevant provision.

PART III

BARGAINING UNIT PAY EQUITY PLANS

Negotiation
of plan

12.—(1) Notwithstanding any other Act, each employer and each bargaining agent for the employees of the employer shall negotiate in good faith and endeavour to agree on a pay equity plan to provide for pay equity in predominantly female groups of jobs in the bargaining unit represented by the bargaining agent in relation to predominantly male groups of jobs in the bargaining unit.

Idem

(2) A pay equity plan under subsection (1) shall be in writing and shall be executed by the employer and the bargaining agent.

Idem

(3) Forthwith after the execution of a pay equity plan, the employer shall file a copy of the plan with the Commission.

13.—(1) If the employer and the bargaining agent fail to agree on a pay equity plan as provided in section 12 within ninety days from the effective date, either party may refer the matter to arbitration by giving notice to the Minister that the parties have been unable to agree on the terms of a plan. Arbitration

(2) Within ten days after receiving a notice under subsection (1), the Minister shall appoint a person to act as a single arbitrator and the arbitrator, within ninety days, shall examine into and decide on all matters that are in dispute in order to conclude a pay equity plan. Single arbitrator

(3) Within ten days of the date of the arbitrator's decision, the employer and the bargaining agent shall prepare and execute a document giving effect to the decision and to any agreement between the employer and the bargaining agent. Giving effect to decision

(4) The document referred to in subsection (3) constitutes a pay equity plan when executed and the employer shall forthwith after its execution file a copy of the document with the Commission. Idem

(5) If the employer and the bargaining agent fail to comply with subsection (3) within the period referred to in that subsection, the employer shall forthwith notify the arbitrator of the failure. Idem

(6) Nothing in subsection (5) prevents a bargaining agent from notifying the arbitrator of a failure to comply with subsection (3). Idem

(7) If the arbitrator receives notice of a failure to comply with subsection (3), the arbitrator shall prepare a document giving effect to the decision and any agreement between the employer and the bargaining agent, and the arbitrator shall submit the document to the employer and the bargaining agent for execution. Idem

(8) The document referred to in subsection (7) constitutes a pay equity plan when executed and the employer shall forthwith after its execution file a copy of the plan with the Commission. Idem

(9) If the document referred to in subsection (7) is not executed by both the employer and the bargaining agent within ten days from the date of its submission to them, the document shall constitute a pay equity plan as though it had been signed by both and a copy of the plan shall be filed, forthwith, by the arbitrator with the Commission. Idem

Delay in
making
decision

(10) If in the Minister's opinion the arbitrator has failed to enter into or carry out his or her duties so as to enable the arbitrator to render a decision within ninety days from the time of the arbitrator's appointment, the Minister may dismiss the arbitrator and appoint another person as single arbitrator or the Minister may require the Commission to establish the pay equity plan.

Remuneration
and expenses

(11) Arbitrators shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council, and, subject to the approval of Management Board of Cabinet, the reasonable expenses incurred by them in the course of their duties under this Act.

Powers of
arbitrators

(12) An arbitrator has power,

- (a) to summon and enforce the attendance of witnesses and to compel them to give oral or written evidence on oath, in the same manner as a court of record in civil cases;
- (b) to administer oaths;
- (c) to accept such oral or written evidence as the arbitrator in his or her discretion considers proper, whether admissible in a court of law or not;
- (d) to enter any premises where work is being done or has been done by the employees or in which the employer carries on business or where anything is taking place or has taken place concerning any of the differences submitted to him or her, and inspect and view any work or thing therein, and question any person respecting any such thing or any of such differences;
- (e) to authorize any person to do anything that the arbitrator may do under clause (d) and to report on it to the arbitrator.

R.S.O. 1980,
c. 25 does
not apply

(13) The *Arbitrations Act* does not apply to arbitrations under this Act.

PART IV

NON-BARGAINING UNIT PAY EQUITY PLANS

Preparation
of plan

14.—(1) Notwithstanding any other Act, each employer, within ninety days from the effective date, shall prepare a written plan to provide for pay equity for the predominantly

female groups of jobs that are not in a bargaining unit in relation to predominantly male groups of jobs that are not in a bargaining unit and, forthwith after preparing the plan, the employer shall file a copy of it with the Commission.

(2) The employer shall notify all employees of the date on which the pay equity plan was filed with the Commission. Idem

(3) Where the employer fails to comply with subsection (1), any employee of the employer may give notice of such fact to the Commission. Idem

PART V

COMBINED BARGAINING UNIT PAY EQUITY PLANS

15.—(1) Notwithstanding any other Act, where an employer has employees in more than one bargaining unit, as soon as pay equity plans for all the bargaining units to which Part III applies have been filed with the Commission or established by it, the employer and the bargaining agents for the employees of the employer shall negotiate together in good faith and endeavour to agree upon a pay equity plan to provide for pay equity across all of the bargaining units. Negotiation
of plan

(2) A pay equity plan under subsection (1) shall be in writing and shall be executed by the employer and the bargaining agents. Idem

(3) Forthwith after the execution of a pay equity plan, the employer shall file a copy of the plan with the Commission. Idem

(4) If the employer and the bargaining agents fail to agree on a pay equity plan as provided in subsection (1) within six months from the last date on which a plan to which Part III applies was filed with the Commission or established by it, any party may refer the matter to arbitration by giving notice to the Minister that the parties have been unable to agree on the terms of a plan. Arbitration

(5) Section 13 applies with necessary modifications if a matter is referred to arbitration under subsection (4) except that the period of ninety days referred to in subsections 13 (2) and (10) shall be deemed to be six months. Idem

PART VI

COMPREHENSIVE PAY EQUITY PLANS

Preparation
of plan

16.—(1) Notwithstanding any other Act, as soon as the pay equity plans to which Parts III and IV apply have been filed with the Commission or established by it, the employer, within eighteen months from the last date on which a plan is filed with the Commission under Part III or IV or established by it and in consultation with the bargaining agents, if any, for the employees of the employer, shall prepare a written plan to provide for pay equity both across bargaining units and inside and outside the bargaining units and, forthwith after preparing the plan, the employer shall file a copy of it with the Commission.

Idem

(2) The employer shall notify all employees of the date on which the pay equity plan was filed with the Commission.

Idem

(3) Where the employer fails to comply with subsection (1), any employee of the employer may give notice of such fact to the Commission.

PART VII

PAY EQUITY COMMISSION

Commission
established

17.—(1) There is hereby established a commission to be known as the Pay Equity Commission.

Composition
and
appointment

(2) The Commission shall be composed of a presiding officer, one or more deputy presiding officers and as many members equal in number representative of employers and employees respectively as the Lieutenant Governor in Council considers proper, all of whom shall be appointed by the Lieutenant Governor in Council.

Alternate
presiding
officer

(3) The Lieutenant Governor in Council shall designate one of the deputy presiding officers to be alternate presiding officer and the person so designated, in the absence of the presiding officer or if the presiding officer is unable to act, shall have all of the powers of the presiding officer.

Remuneration
and expenses

(4) The members of the Commission who are not officers in the public service of Ontario shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council and, subject to the approval of Management Board of Cabinet, the reasonable expenses incurred by them in the course of their duties under this Act.

(5) Where a member of the Commission resigns, he or she may carry out and complete any duties or responsibilities and exercise any powers that he or she would have had if he or she had not ceased to be a member, in connection with any matter in respect of which there was any proceeding in which he or she participated as a member of the Commission.

Resignation
of member

(6) In exercising its powers under this Act, the Commission shall, if appropriate, make use of the services and facilities of a ministry, board, commission or agency of the Government of Ontario.

Services of
ministries,
boards, etc.

(7) Officers and employees necessary for the proper conduct of the Commission's work may be appointed under the *Public Service Act* and the Commission, subject to the approval of Management Board of Cabinet, may engage, under contract, the persons, including professionals and experts, that it considers necessary to exercise its powers and to carry out its duties.

Staff and
other
assistance
R.S.O. 1980,
c. 418

18.—(1) The Commission may make rules for the conduct and management of its affairs and for the practice and procedure to be observed in matters before it, and may require that any person seeking a determination of any matter by the Commission shall give written notice, in such form and manner as the Commission specifies, to the persons that the Commission specifies.

Commission
proceedings

(2) The presiding officer may establish panels of the Commission and it may sit in two or more panels simultaneously so long as a quorum of the Commission is present on each panel.

Panels

(3) The presiding officer or a deputy presiding officer, one member representative of employers and one member representative of employees constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Commission.

Quorum

(4) The decision of the majority of the members of the Commission present and constituting a quorum is the decision of the Commission, but, if there is no majority, the decision of the presiding officer or deputy presiding officer governs.

Decisions

(5) Notwithstanding subsection (4), the presiding officer, if he or she is of the opinion that it is advisable to do so, may sit alone to hear and determine or may authorize a deputy presiding officer to sit alone and hear and determine any matter or thing and to exercise all of the jurisdiction and powers of the Commission.

Decisions
of single
member

Hearings and
submissions

(6) In exercising powers and carrying out duties conferred on the Commission under clauses 19 (2) (j), (l) and (m), section 20 or Part VIII, the Commission shall hold a hearing and afford the parties an opportunity to make oral and written submissions to the Commission or it may dispense with a hearing if it permits the parties the opportunity to make written submissions as the Commission may direct.

Parties

- (7) The parties to a proceeding before the Commission are,
- (a) the employer;
 - (b) if Part VIII applies, the person or persons making the complaint; and
 - (c) the bargaining agent, if any, for the employees of the employer; or
 - (d) if there is no bargaining agent, the employees of the employer.

Notice

(8) A notice of a proceeding or other matter before the Commission that is required to be given to the employees of an employer shall be deemed to have been sufficiently given if it is prominently posted in each place where the employees work or if it is published in a manner that is likely to bring it to their attention.

Representation

(9) One or more employees may appoint any person or organization to act as their agent before the Commission.

Powers and
duties

19.—(1) The Commission may exercise such powers and shall perform such duties as are conferred or imposed upon it by or under this Act and, without restricting the generality of the foregoing, it may exercise such powers and shall perform such duties as are or may be necessary to permit it to determine that pay equity plans comply with the intent and purpose of this Act and are implemented in accordance with this Act.

Incidental
powers

(2) Without limiting the generality of subsection (1), the Commission has power,

- (a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath;
- (b) to require the production of such documents, records, reports or things as the Commission considers necessary to permit it to investigate and consider any matter within its jurisdiction;

- (c) to administer oaths;
- (d) to accept such oral or written evidence as it in its discretion considers proper, whether admissible in a court of law or not;
- (e) to require an employer to give any notices that the Commission considers necessary to provide notice of proceedings before the Commission or any direction or orders made by it;
- (f) to enter any premises where work is being done or has been done or in which the employer carries on business or where anything is taking place or has taken place concerning any matter in relation to which the Commission has jurisdiction, and inspect and view any work or thing therein, and question any person respecting any such thing or any such matter;
- (g) to monitor the implementation of every pay equity plan and compliance with the Commission's directions and orders and this Act;
- (h) to authorize any person to do anything that the Commission may do under clauses (a) to (g) and to report to the Commission thereon;
- (i) to authorize the presiding officer or a deputy presiding officer to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Commission, or any part of any of them, and to report to the Commission thereon;
- (j) to make such orders as are necessary to ensure that a pay equity plan is implemented and that there is compliance with its directions and orders;
- (k) to recommend to the Lieutenant Governor in Council that a group of jobs be designated as a predominantly female group of jobs or as a predominantly male group of jobs and in making such a recommendation, the Commission shall consider such criteria, including historical trends, as it considers relevant;
- (l) to approve, on the application of an employer, the designation by the employer of a group of jobs as a predominantly female group of jobs or as a predom-

inantly male group of jobs for the purposes of a pay equity plan to which Part IV or VI applies; and

- (m) to extend any time limit mentioned in this Act notwithstanding that the time limit has expired.

Access to
information

(3) Where, with respect to a particular pay equity plan, the Commission exercises its powers under clause (2) (b), the Commission shall allow reasonable access by any person to the information received by it.

Conditions
in orders and
directions

(4) The Commission may impose conditions, including time limits, in respect of its orders and directions.

Research
and
education

(5) The Commission may conduct research and produce papers related to pay equity and related subjects and conduct public education programs related to pay equity and related subjects.

Review and
approval of
pay equity
plans

20.—(1) The Commission shall review every pay equity plan filed with it, and,

- (a) if the Commission decides that the plan complies with the intent and purposes of this Act, it shall advise the parties of its decision; or
- (b) if the Commission decides that the plan does not comply with the intent and purposes of this Act, it may direct such amendments as are necessary to achieve such compliance.

Idem

(2) If a direction is given under clause (1) (b), the Commission shall allow the employer and, if the plan is one to which Part III or V applies, the bargaining agent thirty days to make such amendments to the pay equity plan as are necessary to give effect to the direction, and the amendments shall be filed by the employer with the Commission forthwith upon the amendments being made.

Idem

(3) If the Commission decides that a pay equity plan together with the amendments filed under subsection (2) complies with the intent and purposes of this Act, it shall advise the parties of its decision.

Imposed
plans

(4) If the employer fails to file a pay equity plan as required by Part IV or VI or fails to file an amended pay equity plan as required by subsection (2) or the Minister refers a matter to it under section 13 or the Commission is of the opinion that an amended pay equity plan does not comply with the intent and purposes of this Act, the Commission may

by order establish or amend a pay equity plan, as may be appropriate.

21.—(1) A copy of an order or direction of the Commission certified by a member of the Commission may be filed in the office of the Registrar of the Supreme Court by the Commission.

Enforcement
of orders and
directions

(2) When a copy has been filed under subsection (1), the order or direction may be enforced by an application for such order as the court may consider just.

Idem

(3) An application under subsection (2) may be made by the Commission, or by any person who could have been a party to the proceeding in which the order or direction was made.

Idem

22.—(1) The Commission has exclusive jurisdiction to exercise the powers conferred upon it by or under this Act and to determine all questions of fact or law that arise in any matter before it and the action or decision of the Commission thereon is final and conclusive for all purposes.

Exclusive
jurisdiction
of
Commission

(2) The Commission may at any time, if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke it.

Reconsi-
deration
of decisions,
etc.

23. Except with the consent of the Commission, no member of the Commission, nor any of its officers or employees nor any other person whose services have been contracted for by the Commission, shall be required to give testimony in any civil proceeding or in any proceeding before the Commission or any other tribunal respecting information obtained in the discharge of their duties or while acting within the scope of their employment under this Act.

Testimony
in civil
proceedings

24. The Commission shall make an annual report of its activities and affairs to the Minister not later than the 30th day of June in each year and the Minister shall table the report before the Assembly if it is in session or, if not, at the next session.

Annual
report

PART VIII

COMPLAINTS

25.—(1) After the filing of a pay equity plan with the Commission, any employee or employees bound by the plan, or their bargaining agent, if any, may file a complaint with the Commission, complaining that,

Complaints
during
implemen-
tation
of plans

- (a) the job comparison or evaluation system contained in the plan is not gender-neutral or is inappropriate, or both;
- (b) the predominantly female groups of jobs and the predominantly male groups or any of them have not been properly identified or are inappropriate, or both;
- (c) the method of applying the job comparison or evaluation system is inappropriate;
- (d) the job comparison or evaluation system is not being properly applied; or
- (e) adjustments to compensation are not being made as required.

Time limits

(2) No complaints may be filed with respect to a matter described in clause (1) (a), (b) or (c) more than ninety days after the filing with the Commission or the establishment by it of the pay equity plan to which the complaint relates.

Idem

(3) No complaint may be filed with respect to a matter described in clause (1) (d) or (e) until the first adjustments in compensation are required to be made under the pay equity plan to which the complaint relates and no such complaint may be made more than,

- (a) six months after the first adjustments are required to be made if clause (1) (d) applies; or
- (b) one year after the last adjustments should have been made had the pay equity plan been implemented as required if clause (1) (e) applies.

Complaints
after
implemen-
tation
of plans

26. Following the completion of the compensation adjustments pursuant to all pay equity plans, an employer shall not engage in gender-biased compensation practices and any employee or employees of the employer may file a complaint with the Commission respecting any gender-biased compensation practices that affect pay equity and that are implemented by the employer after the completion of the compensation adjustments.

Duty of
Commission

27.—(1) The Commission shall inquire into a complaint under section 25 or 26 and investigate and determine its subject-matter and the Commission may order an employer or bargaining agent to take such action or refrain from such action as in the opinion of the Commission is required.

(2) The Commission shall make every effort reasonable in the circumstances to determine a complaint under clause 25 (1) (a), (b), (c) or (e) within three months of its filing and a complaint under clause 25 (1) (d) within six months of its filing. Idem

PART IX

MISCELLANEOUS

28.—(1) The Lieutenant Governor in Council may make regulations, Regulations

- (a) defining any word or expression not expressly defined in this Act;
- (b) further defining the expression “compensation” or prescribing amounts or benefits, or classes of amounts or benefits, which shall be deemed to be compensation for the purposes of this Act;
- (c) further defining the expression “group of jobs” or prescribing positions that shall be deemed to form a group of jobs for the purposes of this Act;
- (d) prescribing criteria for determining whether a temporary labour shortage exists;
- (e) providing for the requisite features of a gender-neutral job comparison or evaluation system;
- (f) designating, on the recommendation of the Commission, any group of jobs as a predominantly female group of jobs or as a predominantly male group of jobs.

(2) A regulation made under subsection (1) may, if it so provides, be made retroactive to a day not earlier than the effective date. Retroactive regulations

29. The moneys required for the purposes of this Act shall, until the 31st day of March, 1987, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

30. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

31. The short title of this Act is the *Public Service Pay Equity Act, 1986*. Short title

ON

6

Bill 106

An Act to amend the Ontario Institute for Studies in Education Act

Ms Bryden



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to give the Ontario Institute for Studies in Education the power to grant degrees, including honorary degrees, diplomas and certificates in education.

Bill 106**1986**

**An Act to amend the
Ontario Institute for Studies in Education Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of the *Ontario Institute for Studies in Education Act*, being chapter 341 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(ea) provide for the granting of and grant degrees, including honorary degrees, diplomas and certificates in education.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *Ontario Institute for Studies in Education Amendment Act, 1986*. Short title

Bill 107

An Act to amend the Legal Aid Act

The Hon. I. Scott
Attorney General



1st Reading June 24th, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill provides for the implementation of an agreement between the Province of Ontario and the Law Society of Upper Canada under which the fees payable to lawyers providing legal aid will be increased. Under the Bill, the current 25 per cent reduction in lawyers' legal aid accounts will be eliminated for services provided under certificates issued on or after July 1st, 1986 or provided as duty counsel on or after that day (section 2 of the Bill). Instead, the legal profession as a whole, under the proposed subsection 25a(1) of the Act (section 3 of the Bill) will become responsible for paying a percentage, to be set by the regulations, of the assessable administrative expenses of the Fund (as defined in section 1 of the Bill). Under the agreement, the percentage will be set at 12.5 per cent for the fiscal year 1986-87, 25 per cent for 1987-88 and 50 per cent for subsequent fiscal years. Lawyers accounts in respect of certificates issued or services provided as duty counsel between June 30th, 1986 and April 1st, 1988 will be reduced by 5 per cent (section 2 of the Bill). Beginning April 1st, 1988, the Law Society will be able to reduce lawyers accounts by up to 5 per cent for the purpose of discharging up to 50 per cent of its obligation (section 3 of the Bill).

The amendments set out in section 4 of the Bill are complementary to the matters set out above.

Bill 107**1986****An Act to amend the Legal Aid Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Legal Aid Act*, being chapter 234 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (ba) “assessable administrative expenses” means the total of the expenses of the Law Society attributable to the administration of this Act and the regulations less,
 - (i) all expenses relating to community legal aid clinics, research facilities and salaried duty counsel, and
 - (ii) all sums spent to support student legal aid societies.

2. Subsection 22 (1) of the said Act is repealed and the following substituted therefor:

- (1) Every barrister and solicitor who provides legal aid shall be paid out of the Fund, Payment for professional services
- (a) for legal aid provided pursuant to a certificate issued before the 1st day of July, 1986, or provided as duty counsel before that date, an amount equal to 75 per cent of the fees for services rendered as determined under the regulations;
 - (b) for legal aid provided pursuant to a certificate issued after the 30th day of June, 1986, and before the 1st day of April, 1988, or provided as duty counsel between those dates, an amount equal to 95 per cent of the fees for services determined under the regulations;

- (c) for legal aid provided pursuant to a certificate issued after the 31st day of March, 1988, or provided as duty counsel after that date, an amount equal to the fees for services rendered as determined under the regulations less the reduction, if any, under subsection 25a(2) or (3); and
- (d) subject to the regulations, an amount equal to the proper out-of-pocket disbursements in the matter in which the legal aid was given.

3. The said Act is amended by adding thereto the following section:

Contribution
by Law
Society

25a.—(1) The Law Society shall contribute to the Fund such percentage of the assessable administrative expenses as is set out in the regulations.

Idem

(2) Beginning on the 1st day of April, 1988, the Law Society may reduce the amounts payable under clause 22 (1) (c) by such percentage, not exceeding 5 per cent, as may be set out in the regulations for the purpose of discharging up to 50 per cent of its obligation under subsection (1).

Idem

(3) Notwithstanding subsection (2), where in the preceding fiscal year there was a shortfall, the Law Society may reduce the amounts payable under clause 22 (1) (c) by an amount not exceeding 5 per cent, as may be set out in the regulations, and any amount produced in excess of 50 per cent of the Law Society's obligation under subsection (1) may be applied to reduce its obligation under subsection (1) for the current fiscal year by an amount not exceeding the shortfall for the preceding fiscal year.

Idem

(4) For the purposes of subsection (3), a shortfall occurs where the percentage reduction under subsection (2) for a fiscal year is less than 5 per cent and the amount produced is less than 50 per cent of the Law Society's obligation under subsection (1) for that fiscal year.

4. Clause 26 (1) (k) of the said Act is repealed and the following substituted therefor:

- (k) respecting the fees and disbursements to be paid to barristers and solicitors for legal aid, including a reduction of up to 5 per cent as described in subsection 25a(2) or (3);
- (ka) providing for and governing the contribution to the Fund by the Law Society of such percentage of the

assessable administrative expenses as is set out in the regulations;

- (kb) providing for the monitoring and making of recommendations on the fees payable to barristers and solicitors providing legal aid.

5. This Act comes into force on the 1st day of July, 1986.

Commence-
ment

6. The short title of this Act is the *Legal Aid Amendment Act, 1986*.

Short title

Bill 107

(Chapter 43
Statutes of Ontario, 1986)

An Act to amend the Legal Aid Act

The Hon. I. Scott
Attorney General

1st Reading	June 24th, 1986
2nd Reading	October 30th, 1986
3rd Reading	November 4th, 1986
Royal Assent	November 4th, 1986



Bill 107**1986****An Act to amend the Legal Aid Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Legal Aid Act*, being chapter 234 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

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2. Subsection 22 (1) of the said Act is repealed and the following substituted therefor:

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- (c) for legal aid provided pursuant to a certificate issued after the 31st day of March, 1988, or provided as duty counsel after that date, an amount equal to the fees for services rendered as determined under the regulations less the reduction, if any, under subsection 25a(2) or (3); and
- (d) subject to the regulations, an amount equal to the proper out-of-pocket disbursements in the matter in which the legal aid was given.

3. The said Act is amended by adding thereto the following section:

Contribution
by Law
Society

25a.—(1) The Law Society shall contribute to the Fund such percentage of the assessable administrative expenses as is set out in the regulations.

Idem

(2) Beginning on the 1st day of April, 1988, the Law Society may reduce the amounts payable under clause 22 (1) (c) by such percentage, not exceeding 5 per cent, as may be set out in the regulations for the purpose of discharging up to 50 per cent of its obligation under subsection (1).

Idem

(3) Notwithstanding subsection (2), where in the preceding fiscal year there was a shortfall, the Law Society may reduce the amounts payable under clause 22 (1) (c) by an amount not exceeding 5 per cent, as may be set out in the regulations, and any amount produced in excess of 50 per cent of the Law Society's obligation under subsection (1) may be applied to reduce its obligation under subsection (1) for the current fiscal year by an amount not exceeding the shortfall for the preceding fiscal year.

Idem

(4) For the purposes of subsection (3), a shortfall occurs where the percentage reduction under subsection (2) for a fiscal year is less than 5 per cent and the amount produced is less than 50 per cent of the Law Society's obligation under subsection (1) for that fiscal year.

4. Clause 26 (1) (k) of the said Act is repealed and the following substituted therefor:

- (k) respecting the fees and disbursements to be paid to barristers and solicitors for legal aid, including a reduction of up to 5 per cent as described in subsection 25a(2) or (3);
- (ka) providing for and governing the contribution to the Fund by the Law Society of such percentage of the

assessable administrative expenses as is set out in the regulations;

- (kb) providing for the monitoring and making of recommendations on the fees payable to barristers and solicitors providing legal aid.

5. This Act shall be deemed to have come into force on the 1st day of July, 1986. Commence-
ment

6. The short title of this Act is the *Legal Aid Amendment Act, 1986*. Short title



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